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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolution 1993/20 and 1995/12

Addendum

Report of the Special Rapporteur on his mission to France from 29 September-9 October 1995

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INTRODUCTION

Purpose of the mission

1. In accordance with Commission on Human Rights resolutions 1993/20 and 1995/12, the Special Rapporteur carried out a fact-finding mission to France from 29 September to 9 October 1995.

2. This visit was prompted by the multiplication, since 1990, of racist and xenophobic incidents targeting immigrants and of anti-Semitic acts, which the French National Consultative Commission on Human Rights had noted in its reports for 1991, 1992, 1993 and 1994. Other information received by the Centre for Human Rights also included allegations of ill-treatment by the police of prisoners from countries in the Maghreb, the Middle East and Africa. 1/

3. The Special Rapporteur therefore wished to obtain information regarding the measures taken by the French Government and developments in the situation.

Chronology of the mission

4. The Special Rapporteur began his mission in Strasbourg, where he met with Mr. Edmond Stenger, Government Procurator, and Mr. Jean-Luc Faivre, Director of Public Security of the Department of Bas-Rhin. He also met with Mr. René Gutman, Chief Rabbi of Strasbourg.

5. While in the city, he visited the Maison des droits de l'homme (Human Rights House), where he participated in a very productive meeting with the European Commission against Racism and Intolerance (ECRI).

6. The Special Rapporteur then visited Paris, where he took part in meetings with senior officials of the Ministry of Justice, the Ministry of National Education, the Ministry of Integration, the National Employment Agency (ANPE), the National Institute for Statistics and Economic Studies (INSEE) and the French Office for Refugees and Stateless Persons (OFRPA). He also participated in a meeting with the National Consultative Commission on Human Rights, chaired by Mr. Paul Bouchet.

7. He met with representatives of the General Workers' Confederation (Confédération générale des travailleurs) (CGT) and the French Democratic Labour Confederation (Confédération française démocratique du travail) (CFDT) a representative of the Force ouvrière (FO) trade union and several representatives of non-governmental organizations (NGOs) working to combat racism and discrimination and to promote and protect human rights in general. The names of these individuals are indicated in the programme of the mission.

8. The Special Rapporteur continued his mission by travelling to Lyon, Marseille and Toulon, where he met with prefectural and municipal authorities. However, in Toulon, Ms. Guillet de la Brosse, the Deputy Mayor, who is a

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1/ See Amnesty International, France, Shootings, killings and alleged ill-treatment by law enforcement officers (London, 12 October 1994).

member of the National Front, refused to meet with the Special Rapporteur, cancelling the meeting on one day's notice without giving any reason for her refusal.

9. In Paris, the Special Rapporteur met with Mr. Jean Glinasty, Director of the Office of International Organizations in the Ministry of Foreign Affairs.

10. The detailed programme of the mission is annexed to this report (annex I).

11. The Special Rapporteur wishes to thank the French Government for its welcome, its meticulous organization of this visit and the availability of its representatives. He also thanks the representatives of trade unions and non-governmental organizations who graciously spent time with him.

Preliminary observations

12. France is experiencing problems with the integration of foreign populations or French citizens of foreign origin that are typified by the "problem suburbs" on the outskirts of several large cities. In these suburbs, where there are concentrations of immigrant populations which seem to have been left behind by the process of the development of French society, there are tensions that originate in the economic crisis and its corollary, social exclusion, a national identity crisis, ethno-cultural problems, discriminatory practices, particularly in the fields of employment and housing, and a degree of xenophobia in people's way of thinking.

13. The wave of xenophobia currently sweeping over France feeds on the attitudes adopted and statements made for electioneering purposes by politicians, on both the right and the left. It is not attributable only to the far right, which makes foreigners the scapegoats, particularly if they are Black, Arab or Muslim. Xenophobia in France today is sustained by the Pasqua Acts, which, it must not be forgotten, are laws of the French Republic.

14. The economic crisis, on the one hand, and the identity crisis, on the other, are aggravated by the claims of people of French stock to ascendency over naturalized French citizens and immigrants; hence the reference to the theme of national preference, with its xenophobic and even racist content, in political speeches.

15. There has also been an increase in anti-Semitic incidents (desecration of cemeteries, graffiti, dissemination of publications) which reflect the growth of anti-Semitism.

16. The French authorities have evaluated the scope of such phenomena and are trying to reverse these trends by strengthening anti-racist legislation. Measures have also been taken in the economic and social fields (urban policies) to encourage the gradual integration of immigrant populations and appeals by associations for tolerance and respect for the dignity of others are helping to bring about a change in attitudes.

Composition of the population 2/

17. Metropolitan France has 57.2 million inhabitants, of whom 3,580,000 are foreigners (6.3 per cent). According to the last census, conducted in 1985, the foreign population remains numerically stable, a fact which tends to call into question alarmist statements about "the invasion of France by foreigners". This population is composed mainly of:

Portuguese:	649,714
Algerians:	614,207
Moroccans:	572,652
Italians:	252,759
Spaniards:	216,047
Tunisians:	206,336
Turks:	197,712.

18. The fact that no statistics on foreigners from countries in Black Africa have been provided by the French authorities suggests that the former account for a very small percentage of the foreign population in France. It may therefore be asked why they are among the most frequent victims of xenophobia and racial discrimination, as will be seen below.

I. MANIFESTATIONS OF CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION AND INCIDENTS

A. Racial discrimination and exclusion

19. According to a study by the National Institute for Demographic Studies (INED), 3/ racial discrimination against persons of non-European origin is particularly evident in two areas: employment and housing. Immigrant populations and, in general, persons of certain ethnic origins have problems obtaining decent housing suited to the size of their households and experience excessively high levels of unemployment. The survey, which is based on the way the victims of discrimination perceive discriminatory acts and on the perceptions of other persons residing in France, makes it possible to understand the discriminatory practices of the actors involved (institutions, employers, employment agencies, temporary employment agencies, owners, real estate agencies, etc.), which are difficult to observe in action.

2/ The statistics provided in this section are taken from the eleventh periodic report of France to the Committee on the Elimination of Racial Discrimination (CERD/C/225/Add.2, para. 10).

3/ INED, Etude sur la mobilité géographique et l'insertion sociale (Paris, 1992).

Table 1

Categories of foreigners or persons of foreign origin considered by the population resident in France to be most affected by discrimination in hiring

(by percentage)

Categories discriminated against	Men	Women	Total
Total of Arabs, Maghrebis and North Africans	74.1	79.6	76.9
Algerians	9.5	13.0	11.3
Moroccans	0.8	0.4	0.6
Total of Black Africans and persons of colour	15	11	13
Total of Arabs and Black Africans	89.5	90.4	89.9
Total of other nationalities or geographical areas	0.6	2.1	1.4
Total of replies, by skin colour: Non-whites, Blacks, persons of colour	5.6	4.4	5.0
Total of replies of a religious nature	0.3	0.4	0.4
Total of replies with pejorative connotations	0.2	0.3	0.3
Weighted total	7 981 376	8 254 347	16 235 723
Non-weighted total	474	506	980

Source: National Institute for Demographic Studies (INED). MGIS survey carried out in cooperation with the National Institute for Statistics and Economic Studies (INSEE), 1992.

20. It is thus clear that immigrants from Algeria, other Maghrebi countries (Morocco and Tunisia) and Black Africa experience the greatest discrimination in hiring (see table 1), followed by individuals from Turkey and, to a lesser extent, those from South-East Asia.

21. Other studies confirm this situation and demonstrate that the unemployment level among young Maghrebis and Africans is considerably higher than the average. 4/ This is explained by the "suspicious appearance", which

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4/ Les étrangers dans le monde du travail", in Hommes et migrations, No. 1187 (May 1995), p. 9.

is a handicap for these young people, since their Black or Maghrebi appearance does not inspire confidence on the part of employers. Their family names (Muslim or African) and addresses (often in the so-called "trouble spot" suburbs) 5/ are also obstacles to employment.

22. Discriminatory practices in employment seem to be becoming more widespread as a result of the economic crisis and the rise in xenophobia. The press publishes questionable announcements such as "White woman wanted to care for elderly lady", "No persons of colour. Impossible" and "Position for intern of French cultural origin". 6/ Temporary employment agencies are said to use a discrete code in which the coded abbreviation "BBR" ("bleu, blanc, rouge"; blue, white, red) indicates that only white French persons need apply for a particular job. 7/ Various other discriminatory pretexts are used by employers in order systematically to refuse employment to Blacks or Maghrebis: 8/

> "The fear of being unable to control such persons", which takes the form of statements such as "I already have one Black on the job - I don't want two of them because then they become uncontrollable";
>
> "Refusal by the other employees of a business to accept foreign persons or persons of colour";
>
> "Hiring immigrants would harm the company's corporate image"; and
>
> "It's impossible to put the public or customers in contact with persons of colour".

23. Such practices appear to be supported at the highest level, judging by a statement made by Mr. Michel Bon, Director of the National Employment Agency (ANPE), to justify the refusal to employ black check-out clerks in supermarkets:

> "Unfortunately, there are people with whom it's hard to feel on an equal footing ... and the darker the skin colour, the less equal we feel. 9/

5/ Ibid., p. 17.

6/ Cited in "La France ne parvient pas à endiguer les discriminations raciales" (Le Monde, 18 January 1995), p. 10.

7/ Ibid.

8/ See Maryse Tripier, Véronique de Rudder et François Vourc'h, "Les syndicats face aux nouvelles discriminations", in Hommes et migrations, No. 1187 (May 1995), p. 19.

9/ Ibid.

24. Thus, it is clear that, although discrimination in hiring is illegal and punishable by law, it has acquired a certain legitimacy in a pernicious social context.

25. Discrimination in access to housing has also been found to exist and may be illustrated by the following table.

Table 2

Categories of foreigners or persons of foreign origin considered by the population resident in France to be most affected by discrimination in housing

(by percentage)

Categories discriminated against	Men	Women	Total
Total of Arabs, Maghrebis and North Africans	72.6	78.1	75.4
Algerians	6.2	11.5	8.9
Moroccans	0.7	1.8	1.2
Total of Black Africans and persons of colour	18	14	16
Total of Arabs and Black Africans	90.6	92.3	91.5
Total of other nationalities or geographical areas	1.8	2.1	2.0
Total of replies by skin colour: Non-whites, Blacks, persons of colour	6.4	6.4	6.4
Total of replies of a religious nature	1.2	0.4	0.8
Total of replies with pejorative connotations	0.2	0.0	0.1
Weighted total Non-weighted total	9 255 662 563	9 381 215 591	18 636 877 1 154

Source: National Institute for Demographic Studies (INED). MGIS survey carried out in cooperation with the National Institute for Statistics and Economic Studies (INSEE), 1992.

26. There is a host of testimony by Maghrebis and Black Africans who have been accepted on the telephone on the basis of a European-sounding name and have subsequently learned that "their appearance had betrayed them" and that the apartment they had wanted so much had just been rented. In some communes,

the "ethnic obsession" of low-income housing offices has led to immigrant families being required to submit unobtainable documents, for example, a decree of naturalization for foreigners born outside metropolitan France and its overseas departments and territories.

27. Difficulty in access to both employment and housing for Maghrebis and Black Africans is the main cause of these groups' exclusion.

B. Manifestations of racism and anti-Semitism

28. The 1994 report of the French National Consultative Commission on Human Rights contains reliable information on both of these matters, which the Special Rapporteur has decided to reproduce in extenso. The members of the Commission may refer to annex II of this report.

29. On the basis of a survey conducted in November 1994, the National Consultative Commission on Human Rights finds that the great majority of the persons questioned (89 per cent) consider that racism is "rather widespread or very widespread" in France. Testimony received confirms this trend, since 68 per cent of those questioned said that they themselves had heard racist remarks and 55 per cent that they had witnessed racist behaviour; 25 per cent said that they themselves had been the victims of racist remarks and 18 per cent that they had been the victims of racist behaviour. 10/ The primary victims of racism are Maghrebis, particularly the young French persons of Magrebi origin known as Beurs, followed by Black African. 11/

30. These findings are even more serious in view of the increasingly ordinary nature of racist behaviour and remarks; two thirds of the French population (62 per cent) admits to having had racist attitudes. 12/

31. In the workplace, racist remarks, an environment characterized by jokes in dubious taste and the use of stereotypes by employers, management and colleagues are increasingly frequent. 13/ "Bar room racism", which is not in itself thought to represent any real risk of discrimination or exclusion because it uses the medium of jokes as a way of spreading stereotypes, is widely tolerated and treated with indulgence.

10/ See the Commission nationale consultative des droits de l'homme (National Consultative Commission on Human Rights), 1994: La lutte contre le racisme et la xénophobie (Paris, La documentation française, 1995), p. 51.

11/ Ibid.

12/ Ibid.

13/ Tripier, de Rudder and Vourc'h, op. cit., p. 20.

C. Problems with regard to immigration

32. Immigration to France has been suspended since 1974 and each succeeding Government has opted for a policy composed of two main parts: control of migratory flows and limitation of so-called clandestine immigration, on the one hand, and integration of legal immigrants, on the other.

33. In 1985, France, together with Belgium, Germany, Luxembourg, the Netherlands and Spain, signed the Schengen Agreement with a view to tighter control over European borders. A number of legislative and statutory measures, particularly the Pasqua Acts 14/ were taken in order to set up a system for closing off national borders (rejection of applications for visits, a restrictive visa policy, restriction of the right to family reunion, the requirement of accommodation certificates for persons wishing to visit relatives residing in France, and implementation of expulsion measures, particularly by charter flights). Holding centres, including the former centre at the ill-reputed Palais de Justice (Law Courts) in Paris, have been built in airports and seaports and in certain cities (Nanterre, Vincennes) in order to detain "clandestine" immigrants and refugees until they can be expelled. The establishment of an identity check within the country, aimed particularly at foreigners (Act No. 93-992 of 10 August 1993 on identity checking and verification) and the reform of the Nationality Code (Act No. 93-933 of 22 July 1993 providing for changes in the right to nationality) are other aspects of the increasing rigidity of French policy towards foreigners. The clearly stated goal is "zero immigration".

34. Those who spoke with the Special Rapporteur acknowledged that the Pasqua Acts are difficult to apply and raise delicate problems of interpretation. In this connection, the National Consultative Commission on Human Rights emphasizes the "vicious circle" in which foreigners who are supposedly "protected" against expulsion measures find themselves. If they are married to a French person or political refugee or are the parent of a French child, they cannot be expelled. However, if they find themselves in the slightest difficulty with the law, there is no way for them to extricate themselves. They are refused any opportunity to resolve the situation. If they return to their country of origin in order to request a visa, as the administration advises them to do, they may not be permitted to rejoin their families. The Commission therefore proposes that their situation should be regularized.

35. The amendment of the Nationality Code is in contradiction with the Government's integration policy because it eliminates the automatic right to French nationality of children of foreigners who are born in France. Such children must now state their wish to become French between the ages of 16 and 21 and their parents no longer have the right to request this nationality while they are minors. Anyone convicted of a crime or an offence and sentenced to six months or more in prison between the ages of 16 and 21 is deprived of this right. French nationality may also be refused if a sentence of expulsion or escort to the border has been handed down.

14/ See Ordinance No. 45-2658 of 2 November 1945 on conditions for the entry into and stay in France by foreigners, as amended by Acts No. 93-1417 of 30 December 1993 and No. 93-1027 of 24 August 1993.

36. Some feel that these measures make the legal situation of young foreigners, particularly young first-generation or second-generation Algerians, a precarious one.

II. MEASURES TAKEN BY THE GOVERNMENT AND LOCAL AUTHORITIES

37. Many legal measures have been taken to combat the various manifestations of racism and anti-Semitism. These measures are described in detail in annex III to this report.

38. The Ministry of the Interior has set up departmental units for action to combat racism, xenophobia and anti-Semitism, which are composed of representatives of the ministries directly concerned by these problems (Interior, Justice, Urban Affairs, Housing, Labour, Social Affairs and National Education), representatives of local authorities, the bar and associations. The purpose of these units is to:

Monitor racist phenomena;

Gather information on the implementation of laws and regulations to prevent and punish racist activities;

Promote local initiatives for the prevention of racism and evaluate action carried out for that purpose;

Encourage communication and cooperation between the administrations concerned, local associations and national units for the coordination of action to combat racism.

39. In the field of human rights education, the Ministry of National Education has developed a civic education curriculum for secondary school students, focused on the "training of individuals and citizens". This curriculum has three main goals:

Education in human rights and citizenship through mastery of the principles and values that form the basis of, and organize, democracy and the Republic, through knowledge of institutions and laws and understanding of the rules of social and political life;

Education in the meaning of individual and collective responsibilities;

Education in judgement, particularly through the adoption of a critical approach and practice in argumentation.

40. Within the framework of urban policy, municipalities and prefectures have taken steps to bring French people and foreigners together and to help foreigners integrate into French society. One such initiative is the "Marseille hope" ("Marseille espérance") project in Marseille, which involves ongoing dialogue between Armenians, Buddhists, Catholics, Jews, Muslims, Eastern Orthodox and Protestants working together to prevent the rise in racism and intolerance. In Lyon, under the leadership of the Prefect, many activities involving contact and dialogue have been undertaken with the immigrant populations concentrated in the eastern part of the city. Various

projects aimed at integration are being carried out, involving housing renovation, school construction, the improvement of health systems, the establishment of recreation centres, etc., in close cooperation with the Social Action Fund (FAS) and the Regional Commission for the Integration of Immigrant Populations (CRIPI). A deputy prefect in charge of urban policy has been appointed to coordinate these activities. In Toulon, the Departmental Unit for Action to Combat Racism and Xenophobia and Anti-Semitism has published a leaflet entitled "White-Black: A Challenge to Be Met" in order to increase young people's awareness of racism.

III. ACTION TAKEN BY CIVIL SOCIETY

41. Various associations are attempting to reverse the trend towards manifestations of racism and xenophobia. For example, the Droit et démocratie (Law and Democracy) association organized a very important symposium on the discriminatory aspects of the Pasqua Acts in July 1993. In cooperation with university officials, leaders of associations, journalists, researchers and political experts, the Union of African Workers in France (Union des travailleurs africains en France) sponsored an in-depth discussion on "the new faces of racism and xenophobia" in Europe (a topic which was the subject of a seminar held in August 1994) and carried out a public awareness campaign. The France Libertés: Fondation Danielle Mitterrand association has also become involved in action to combat racism, particularly by publishing a "European passport against racism", which invites the bearer to help combat racism and recalls the main provisions of the laws against racism. This passport has been used by the Council of Europe in its "All Different, All Equal" campaign. Also worthy of mention is the support provided to victims of racism by the International Association of Democratic Lawyers and the International League against Racism and Anti-Semitism. These associations have been discussing ways of changing the law.

42. However, it should be noted that, generally speaking, there is a demobilization of civil society with regard to action to combat racism and racial discrimination. In a survey, the National Consultative Commission on Human Rights has shown that there is a "low level of personal commitment". It notes that "only 27 per cent of the French are prepared to take part in a demonstration and only 24 per cent are willing to join an anti-racist association". 15/

43. People seem to be getting used to the atmosphere of xenophobia and they have their eyes turned towards Europe; they want to live with their own kind. As a political figure told the Special Rapporteur, "As a French-speaking African, you surely don't believe that speaking the same language makes us brothers!". And what was the point of mentioning the black skin colour of Cardinal Gantin, Dean of the College of Cardinals, in the press's reporting of the Holy See's decision concerning Monsignor Gaillot?

44. This demobilization is taking place in trade unions as well, if not more so. Once at the forefront of the fight against racial discrimination in

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15/ Commission nationale consultative des droits de l'homme, op. cit., p. 52.

employment, they have become more timid in their support of immigrant workers because of competition between such workers and French nationals. "Trade unionists in companies are themselves going along with the general tendency to downplay racism. Those who are aware of what is happening and want to do something about it admit that they are afraid that the staff as a whole may not always follow their lead". 16/ The major unions such as CGT, CFDT and Force ouvrière are on record as opposing racism and racial discrimination in hiring, but this does not mean that they have the full support of their members.

IV. CONCLUSIONS AND RECOMMENDATIONS

45. To summarize, the Special Rapporteur notes that France is being swept by a wave of xenophobia and racism that is extremely damaging to its image as "the country of human rights". The peremptorily enacted laws on immigration, the right of asylum and the forced repatriation of "illegal" entrants constitute nothing less than an act of self-repudiation which calls to mind the words of Suetonius: "et propter vitam vivendi perdere causas" ("and in order to live their own life, they lose their true reasons for existence"). With the consequences of colonization and the question of Islam, the second religion in France, the country is confronted with a true crisis of society and civilization.

46. The Special Rapporteur therefore considers that it would be very helpful if the recommendations of the National Consultative Commission on Human Rights on the review of the Pasqua Acts were to be taken into account by the competent legislative and executive authorities. Some people consider that the National Consultative Commission should build on the celebrity it has acquired and go further, in the faithful discharge of its mission, by prevailing on those in power to take urgent measures to rectify and improve the battery of laws on immigration.

47. The Special Rapporteur would also like to recall the specific recommendations that he made in paragraph 45 of his general report (E/CN.4/1996/72):

(i) To revise the Pasqua Acts to make them more humane and more in keeping with the French ideal of human rights and with international conventions on the rights of the individual;

(ii) To be more generous in granting entry visas for people from the South, in particular for asylum-seekers and for people wishing to have medical treatment in France and who are able to afford it;

(iii) To expedite the procedure for examining the files of persons detained in holding centres and to bring about an improvement in living conditions there since even an ordinary prisoner has a right to human dignity; to make the conditions of expulsion less degrading for "illegal" entrants;

16/ Tripier, de Rudder and Vourc'h, op. cit., p. 21.

(iv) To study the feasibility of devising and disseminating a syllabus for the teaching of human rights on the basis of the agreed common ground of international declarations and conventions on the rights of the individual;

(v) Lastly, to provide technical assistance and financial support for the holding of an international seminar on racism and xenophobia with the partnership of the National Consultative Commission on Human Rights and the cooperation of the United Nations Centre for Human Rights.

48. The Special Rapporteur welcomes the fact that his recommendations have been heeded and that the idea of an international seminar for experts on the topic was raised again in early 1996 by Mr. Paul Bouchet, President of the French National Consultative Commission on Human Rights. This scientific meeting could be organized in France in cooperation with the Centre for Human Rights.

Annex I

PROGRAMME OF THE SPECIAL RAPPORTEUR'S MISSION TO FRANCE

Friday, 29 September (Strasbourg)

10.30 a.m. Meeting with Mr. Edmond Stenger, Government Procurator

11.30 a.m. Meeting with Mr. René Gutman, Chief Rabbi of Strasbourg

2 p.m. Meeting with the officers of the European Commission against Racism and Intolerance (ECRI):

Mr. Franck Orton (President)
Mr. Andrzej Sicinski, Mr. Rona Aybay, Mr. Joseph Voyame (members)

4 p.m. Meeting with Mr. Jean-Luc Faivre, Director of Public Security, Bas-Rhin Department

Monday, 2 October (Paris)

9 a.m. Meeting with Mr. Jean Bellanger, in charge of the Immigration Service, General Workers' Confederation (CGT)

11 a.m. Meeting at the Ministry of Justice with:

Mr. Olivier de Baynast, Chief, European and International Affairs Section

Mrs. Nadine Berthelemy, Human Rights Office

Mr. Philippe Cavalerie, Office of International Criminal Law and International Mutual Aid for Law Enforcement

Mr. Frédéric Desportes, Mr. Rémy Heitz, Mrs. Marie-Anne Chapelle, judges, Department of Criminal Cases and Pardons

2.30 p.m. Mr. Rousseau, Director, Legal Department, National Employment Agency (ANPE)

4 p.m. Meeting with Mr. Pierre Garrigue, Inspector-General of National Education

6 p.m. Meeting with Mr. Didier Bariani, Deputy Mayor of Paris for problem neighbourhoods and Vice-President of the National Assembly

Tuesday, 3 October (Paris)

9 a.m. Meeting with Mr. Pierre Bercis, President, New Human Rights

10 a.m. Meeting at the Ministry of the Interior with:

Mr. Faugère, Director, Public Freedoms and Legal Affairs

Mr. Guéant, Director-General, National Police

Mr. Deruere, Racism and Human Rights Officer

3 p.m. Meeting with Mr. Moreau, Director, Population and Migration, Ministry of Integration

5.30 p.m. Meeting with Mr. Najib Elarouni, Adviser to the Minister of Integration on action to combat exclusion

Wednesday, 4 October (Paris)

10 a.m. Meeting with Mr. Francis Lott, Director, OFPRA

11.45 a.m. Meeting with Mr. Jacques Pelletier, Ombudsman of the Republic

2.30 p.m. Meeting with Mr. Jean-Louis Bodin, Chief, Department of International Relations and Cooperation, National Institute for Statistics and Economic Studies

4 p.m. Meeting at the French Democratic Labour Confederation (CFDT) with:

Mr. F. Sroczynki, Secretary for Immigration

Mr. Lanquetin, Representative to the National Commission on Human Rights

Mr. Caron, National Secretary

Mr. Larignon, Secretary for External Relations

5.30 p.m. Meeting with representatives of non-governmental organizations:

Mrs. Monique Chemillier-Gendreau, International Association of Democratic Lawyers

Mr. Marc de Montalembert, Mrs. Catherine Murcier, Amnesty International

Mr. Louis Bretton, CIMADE

Mrs. Hélène Jaffe, Association for the Victims of Repression in Exile (AVRE)

6.40 p.m. Meeting with Mr. Bruno Quemada, Assistant, Force Ouvrière (FO) trade union

Thursday, 5 October (Paris and Lyon)

11.30 a.m. Meeting with the National Consultative Commission on Human Rights (CNDH)

1 p.m. Working lunch with Mr. Paul Bouchet, President, and Mr. Gérard Fellous, Secretary-General, CNDH; and Mr. Régis de Gouttes, member, Committee on the Elimination of Racial Discrimination

3 p.m. Leave for Lyon

5.15 p.m. Meeting with Mr. Paul Bernard, Regional Prefect

5.30 p.m. Meeting with:

Mr. Denis Robin, Deputy Prefect, Director

Mr. Claude Lanvers, Deputy Prefect for Urban Policy

Mrs. Françoise Bernillon, Regional Director, Social Action Fund

Mr. Michel Prost, Officer for Integration Problems

7.15 p.m. Leave for Marseille

Friday, 6 October (Marseille and Toulon)

9.15 a.m. Meeting at the Prefecture with:

Mr. Jean Ballandras, Deputy Secretary-General, Prefecture of the Bouches-du-Rhône Department

Mr. Fernand Lièvre, Superintendent of Police, Regional Information Department, Pas-de-Calais region

Mr. Bernard Mottier, Lieutenant Colonel and Commander, Bouches-du-Rhône Departmental Gendarmerie Group

Mr. Jean Dal Colletto, Police Commander, Departmental Office for Public Security

Mr. Daniel Grandordy, Interregional Office for Immigration Control and Action to Combat the Employment of Illegal Immigrants (DIRCILEC)

Mr. Jacques Lavel, Advocate-General, Court of Appeals of Aix-en-Provence

12 p.m. Meeting with Prof. Jean-François Mattei, assistant to the Mayor of Marseille for community relations

2 p.m. Leave for Toulon

4 p.m. Meeting with Mrs. Lang, representative of the International League against Racism and Anti-Semitism (LICRA)

5.15 p.m. Meeting with Mr. Jean-Pierre Richer, Prefect

Monday, 9 October (Paris)

9 a.m. Meeting with representatives of non-governmental organizations:

Mr. Marc Agy, Director-General, L'Arche de la fraternité

Mrs. J. Rouer Villeneuve, lawyer and member, LICRA

Mrs. Annie Canizares, Justice and Peace

Mrs. Anne Castagnos, European affairs officer, France Terre d'Asile

Mr. Thomas Omores, Union of African Workers in France, and Secretary-General, Migrants' Forum of the European Union

Mr. Jacques Ribs, Droit et Démocratie

Mr. Vercoutère, France-Libertés - Fondation Danielle Mitterrand

1 p.m. Working lunch at the Ministry of Foreign Affairs

Annex II

SITUATION WITH REGARD TO MANIFESTATIONS OF RACISM AND ANTI-SEMITISM

(excerpted from the National Consultative Commission on Human Rights 1994: La lutte contre le racisme et la xénophie, Paris, La documentation française, March 1995)

KNOWN RACIST INCIDENTS

Every year since 1980, the Ministry of the Interior and Land Use Management has compiled a summary of manifestations of racism and anti-Semitism in France, along with an analysis of their growth.

These statistics make two types of distinction:

Manifestations of anti-Semitism, when they are clearly intended as such - in other words, when French Jews are mentioned in claims of responsibility or are the motive for or target of such incidents - are covered by statistics that differ from those on racism in general, including anti-Maghrebi racism.

In manifestations of racism and anti-Semitism, the statistics distinguish between "acts", i.e. violence against property and persons (attacks, injuries, deaths), and "threats" (graffiti, leaflets, tracts, letters, phone calls and the like).

The same criteria have been used in these statistics for more than 10 years. It should be noted that they differ from those used by the Ministry of Justice, which compiles a summary of judicial measures taken to combat racism and xenophobia.

For several years, the National Consultative Commission on Human Rights has been requesting that these criteria should be harmonized.

Concerning the summary of manifestations of racism and anti-Semitism, the Ministry of the Interior makes the prefatory statement that any analysis dealing with the growth of racist and anti-Semitic violence comes up against problems of counting, despite careful checking. Several criteria are taken into account, including the target, claims of responsibility, 1/ and arrests.

As there are no specific indications of the approach taken during investigations, motivation is often difficult to determine. Anti-immigrant acts are not systematically racist.

Similarly, racist violence in continental France and acts of violence against immigrants in Corsica are not based on exactly the same principles.

1/ Although this type of violence is seldom claimed, except by telephone calls made on the occasion.

For all these reasons, lists of numbers designed to quantify racist violence are only of relative value and are useful particularly for making comparisons between years.

1994 statistics

Racism		including anti-Maghrebi	anti-Semitism	Total
Acts	34	21	19	53
Threats	166	106	143	309

Note on 1993-1994 statistics

The 1994 statistics are the result of new collection criteria chosen by the Ministry of the Interior to obtain a more accurate picture of racist and anti-Semitic behaviour.

These criteria are as follows:

For "acts", the result of judicial investigations which, as they were conducted since the previous report was drafted, made it possible to determine an origin and a motivation that are different from what was originally suspected;

For "threats", grouping together manifestations which have the same origin and which occurred in the same circumstances of time and place (for example, distribution of the same leaflet).

The 1993 statistics referred to in this report have been amended on the basis of the same criteria to make it easier to compare the two years.

Racist and anti-Semitic violence

While racist violence has stayed at more or less the same level, there has been a definite drop in anti-Semitism compared to previous years, particularly 1990 and 1991, which were marked by events such as the 1990 desecration of the Carpentras cemetery and the 1991 Gulf war which led to an increase in incidents. As these events were of particular concern to the population, a number of "minor" incidents were reported, which might not have been reported as systematically at another time.

1989: 72 incidents 2/
1990: 72 incidents
1991: 91 incidents
1992: 57 incidents
1993: 55 incidents
1994: 53 incidents.

2/ Incidents reported in France.

Bombings are rare, 3/ but physical attacks are more common.

Desecrations and especially manifestations such as threats, insults or intimidation are, however, high in number. Large numbers of leaflets and other pieces of writing are also produced by revisionists.

In contrast, anti-Zionist acts perpetrated by the extreme left (the former Action directe) and especially by persons from the Middle East, are much more serious, as shown by the attacks carried out in 1980 and 1982. The consequences of recent acts attributable to Arab-Islamic groups have proved to be milder.

Racism in general and anti-Maghrebi racism in France (excluding anti-Semitism)

Aspects of the violence

Unlike anti-Semitism, racist acts are often more serious for the victims, who are private individuals.

Between 1980 and 1994, 26 persons were killed and 351 were injured.

The Maghrebi population is consistently one of the most popular targets for such violence, although the proportion of acts directed against it continues to drop by comparison with racist violence as a whole: 62 per cent in 1994, as opposed to 71 per cent four years ago.

1980-1984	Anti-Maghrebi racism	Other forms of racism
Violent acts	553	161
Deaths	24	2
Injuries	270	81

Since 1987, a not-insignificant proportion of this violence has been committed by skinheads.

This type of threat, which also tends to be directed against North Africans in particular, often takes the form of leaflets, most of them incendiary.

The first pamphlet of this kind, known as the "fake leaflet" by the Amicale des Algériens in Europe (ADAE), dates back to 1966. It still appears in France from time to time. Its success has led to other initiatives along the same lines: "Mon cher Mustapha", which came out in 1982; "JALB", in December 1987; and "Francarabia", in January 1989.

Since 1992, three new leaflets have been widely distributed: "Le Boukcaque", "La demande de naturalisation" and "Le permis à points".

3/ It should, however, be recalled that a Jewish woman was murdered by a neo-Nazi in Le Cannet (06) on 3 August 1984.

Once they have been written, these leaflets, which frequently end with the instruction that they should be "reproduced and widely disseminated", are photocopied and redistributed according to the "chain letter" principle. This makes it especially difficult to identify either the original authors or any subsequent distributors.

Most of these publications circulate discreetly, if not clandestinely. Their dissemination often reflects the vicissitudes of current events; they come out quickly when major events occur that are widely covered in the media.

Developments since 1980

Radical racism, which was relatively moderate until 1982, later began to increase steadily, along with a revival of xenophobia and the emergence of an extreme right movement, whose views on immigration were favourably received in certain quarters by people with financial problems who were sensitive about the issues of insecurity and unemployment. Between 1981 and 1982, the number of racist incidents almost doubled, from 23 to 43.

The rise continued, peaking in 1983 (68), 1985 (70) and 1988 (64). At the same time, the incidents became increasingly serious and deaths and physical attacks occurred.

For example:

On 16 November 1983, on the train between Bordeaux and Ventimiglia, three Foreign Legion recruits threw an Algerian out the window;

On 20 August 1984, in Haubourdin (59), a young North African was killed by a supporter of the National Front;

On 11 November 1984, in Chateaubriant (44), a bar frequented by Turks was machine-gunned (two persons killed, five injured). The perpetrator, Frédéric Boulay, was jailed and escaped twice from Lannemezan (65); he was caught in Spain and is reportedly being detained there;

In May and June 1986, in Toulon, Marseille and Nice, the "Commandos of France against the Maghrebi invasion" claimed responsibility for seven bomb attacks. The four persons responsible - one of whom was Claude Noblia, the leader of the organization SOS France - were killed on 18 August 1986, when their car blew up in Toulon because their own explosive device went off;

On 6 March, 5 June and 30 November 1987, in Petit-Quevilly (76) and Caen (14), three attacks took place on North African bars (one person killed, five injured) and "Irgoun Drei" claimed responsibility. The perpetrators, Christophe Arcini and Michel Lajoye, were imprisoned. Lajoye, who is detained in Ensisheim (68), is a very active letter-writer and corresponds with many militant extremists;

On 19 December 1988, in Cagnes-sur-Mer (06), a bomb was thrown into the Sonacotra hostel (1 dead, 12 injured). The "Massada" group claimed responsibility. The perpetrators, who are members of the French and European

Nationalist Party (the neo-Nazi PNFE) and who had carried out several other racist and political attacks since 1985, were arrested in January 1989 and sentenced in October 1991 by the Appeals Court in Nice;

On 28 January 1989, in Montataire (60), a Frenchman of Algerian origin was killed following an altercation in a bar (the perpetrators were tried and imprisoned);

On 8 May 1989, in Nice (06), there was an attempt on the life of a young Tunisian, who was critically wounded in the head by two bullets fired at point blank range; the accused was acquitted.

From 1989 to 1991, the trend was reversed, with the volume of incidents and especially their seriousness declining considerably.

In 1992, there was a sharp drop:

Year	Racist incidents	Deaths	Injuries
1988	64	3	51
1989	54	1	31
1990	52	1	35
1991	51	-	14
1992	32	-	17
1993	38	-	32
1994	34	1	27

The remarkable decline in 1992 might be attributed to:

The fact that activist movements (French Nationalist Party, Third Path) are so disorganized;

The temporary weakening of the skinhead movement, leading to a drop in the number of acts attributed to it:

55 in 1989, including 17 racist acts

47 in 1990, including 17 racist acts

28 in 1991, including 9 racist acts

28 in 1992, including 10 racist acts

34 in 1993, including 17 racist acts

19 in 1994, including 12 racist acts

The many arrests of skinheads - 558 - since 1989;

The "wait-and-see" policy of "hard-core" elements, which appears to have put a stop to any acts they might have committed in anticipation of elections, in which they were counting on the rise of the extreme right.

More incidents were reported in 1993 than 1992 and they were more serious: 32 incidents and 17 persons injured in 1992, 38 incidents and 32 persons injured in 1993.

This relative upsurge can be explained by the renewed dynamism of activist movements (PNFE) and the skinheads and by mimicry of the growth of xenophobic and racist violence in Germany.

The skinheads were responsible for 34 incidents in 1993, including 17 racist acts, which account for half all such acts of violence.

The two most striking racist acts of 1993 were the following attacks:

Against three North Africans, by seven soldiers, including two skinheads, on 5 June, in Bordeaux (33);

One of the victims was very seriously injured;

Against two North Africans, who were badly beaten and burned on their hands and faces by a group of skinheads who doused them with gasoline, on the night of 26-27 September 1993, in Paris.

While the number of incidents in 1994 remained stable, at 34, the seriousness increased that year: 1 person killed and 27 injured in 1994, as opposed to 33 injured in 1993.

On 6 August 1994, in Ault (80), a young man 4/ from a Harki family was verbally abused by a group of young people who were drunk as he left an annual dance. There were racist insults and a fight broke out. The next day, his body was found at the foot of a cliff. Seven persons were imprisoned, three of them charged with wilful murder.

Other violent acts also received attention in 1994:

On 16 April, in Clermont (60), three young people who were drunk violently attacked a Guadeloupian, who was critically injured (45 days of sick leave): two of the perpetrators were jailed and the third was placed under court supervision for failure to assist a person in danger;

On 30 April, in Saint-Ouen-L'Aumone (95), two drunken persons, armed with baseball bats and knuckle-dusters, broke into the Sonacotra hostel and violently attacked two residents of African origin in the prayer room. The perpetrators, members of the Nationalist Union Group (GUN), a splinter group of the National Youth Front, were jailed;

On 17 July, in Dreux (28), five youths organized a "punitive expedition" in a largely Maghrebi neighbourhood. They wounded seven persons, two of them critically, with firearms. During the course of their arrest, one of the attackers was wounded by the police and subsequently died;

4/ He already had a police record for drug-related offences.

On 7 August, in Lille (59), five skinheads with ties to the Third Path and the PNFE were arrested just after attacking a Frenchman of Maghrebi origin and a Cameroonian national;

During the night of 29-30 October, in Klingenthal (67), a group of about 30 skinheads, all of them very young, attacked a vehicle occupied by two Turks, pushing and shoving them and slightly injuring one of them. Part of this group then went on to Obernai (67), where they attacked a Turkish restaurant, broke the window, damaged the premises and sprayed the clients with tear gas, wounding three more persons. Four perpetrators were sentenced, two of them to one year of prison with eight months' suspended sentence and the other two to 10 months. Two years of probation and three years' deprivation of their civil rights completed the penalty.

Mosques have also been the targets of many attacks: a Molotov cocktail was thrown at the one in Creil (60) and there were fires in Nantes (44), Castelnaudary (11), Metz (57), Rennes (35), Courcouronnes (91) and Orange (84).

Some of this violence was a reaction to the situation in Algeria, including the murder of Frenchmen in that country.

Threats

The volume of racist threats has followed the same pattern as racist acts, increasing until 1991, dropping in 1992, levelling off in 1993 and then rising slightly in 1994:

1980:	20
1990:	283
1991:	317
1992:	141
1993:	134
1994:	160.

The pattern is similar for the dissemination of racist leaflets:

1991:	205 (out of 317)
1992:	66 (out of 141)
1993:	51 (out of 134)
1994:	67 (out of 160).

After the large number of racist threats reported in 1991, as a result of the contagious effect of the Gulf war, threats declined significantly in 1992 and 1993, particularly against the Maghrebi community.

In 1994, such threats started up again, primarily in the form of racist graffiti and leaflets. The Algerian political context is probably responsible for the reappearance of incendiary leaflets from the past, such as "JALB" and "Francarabia musulmane", which had all but disappeared after January 1992. They were replaced by other publications, such as "Le Boukcaque", "Le permis à points" and "La demande de naturalisation", which fell out of favour in 1994.

In late 1994, a new, basically anti-Muslim pamphlet came out and was addressed to several security firms. It was from the self-styled "republican forces for the liberation of France" and called for "killing, stamping out, burning or blowing up anything that is Algerian, Arab or preaches the Jihad on our soil".

Among those responsible for spontaneous acts of violence are many ultranationalists and skinheads. More rarely, groups of politicized individuals take part, who plan their initiatives carefully and afterwards claim responsibility, always identifying themselves by the same name. This was the case recently of the 1987 attacks, for which Irgoun Drei claimed responsibility, and of the 1988 attacks on the Sonacotra hostels in Alpes-Maritimes, for which Massada claimed responsibility.

Location of acts of racism

The breakdown of racist violence by region, with two major centres in Ile-de-France and Provence-Alpes-Côte d'Azur, is similar to the distribution pattern of anti-Semitism:

Ile-de-France: 32 acts reported since 1991;

Provence-Alpes-Côte d'Azur: 22 acts reported since 1991.

The Lorraine and Rhône-Alpes regions are also affected, but to a lesser extent, with 10 and 11 acts, respectively.

In Ile-de-France, the high population density, and above all the fact that extreme-right, nationalist and neo-Nazi organizations as well as skinhead groups are particularly well-established there, may explain such numbers. Essonne is the most vulnerable department in this respect.

In Provence-Alpes-Côte d'Azur, the departments with the highest incidence are Alpes-Maritimes and Bouches-du-Rhône.

The Rhône-Alpes region is marked by striking disparities: the violence is concentrated almost entirely in Savoie and Rhône, with the other departments only slightly concerned.

Anti-Maghrebi attacks in Corsica

This phenomenon was not really considered separately until early 1994.

Earlier research revealed 18 violent acts in 1992 against the Maghrebi community, primarily of Moroccan origin, with one person injured. In 1993, there were 20 such acts, with four persons injured.

In 1994 as well, 20 violent acts were reported and were, increasingly serious (one person dead and five injured, all Moroccan):

An employee of the Ajaccio Health Department was murdered on 5 February;

A Moroccan was assaulted in Bastia and seriously injured on 9 January;

A Moroccan was assaulted with knives in a Lucciana discotheque on 13 February;

The President of the organization Expression maghrébine au féminin en Corse, was assaulted at Ajaccio airport on 20 July;

Shots were fired at a young high school student, wounding him in the eye on 3 July;

A Moroccan home was bombed, slightly injuring the occupants, on 9 August.

There have been three other anti-Maghrebi attacks in Corsica, one against the Bonifacio mosque and the others against vehicles belonging to Moroccans. The graffiti: "A droga fora" was found near one of the vehicles and responsibility was claimed by the mysterious "National Armed Movement".

Responsibility for shots fired into a Moroccan butcher's shop front in Ghisonaccia was claimed in a phone call to Corse Matin by self-styled "Corsican revolutionary units".

These incidents, to which there is usually not much of a reaction, are becoming more common.

Comparative data in figures

Racism

List of racist acts since 1980

Victims of racism since 1980

Location of acts of racism since 1991, by region

Location since 1991, by department.

List of racist acts since 1980*

Year	Acts			Threats		
	Anti-Maghrebi	Others	Total	Anti-Maghrebi	Others	Total
1980	29	6	35	17	3	20
1981	20	3	23	14	9	23
1982	34	9	43	32	23	55
1983	65	3	68	81	15	96
1984	45	8	53	85	17	102
1985	50	20	70	91	7	98
1986	40	14	54	93	2	95
1987	39	7	46	68	12	80
1988	51	13	64	108	27	135
1989	44	10	54	188	49	237
1990	37	15	52	202	81	283
1991	34	17	51	251	66	317
1992	21	11	32	80	61	141
1993	24	13	37	82	52	134
1994	21	13	34	106	60	166
Total	554	162	716	1 498	484	1 982

* Except Corsica.

Victims of racism since 1980*

Year	Anti-Maghrebi racism		Other racism		Total	
	Injuries	Deaths	Injuries	Deaths	Injuries	Deaths
1980	9	0	1	0	10	0
1981	1	0	1	0	2	0
1982	10	0	1	0	11	0
1983	33	5	0	0	33	5
1984	11	2	5	2	16	4
1985	23	5	6	0	29	5
1986	10	3	1	0	11	3
1987	29	3	2	0	31	3
1988	39	3	12	0	51	3
1989	22	1	9	0	31	1
1990	29	1	6	0	35	1
1991	7	0	7	0	14	0
1992	11	0	6	0	17	0
1993	21	0	12	0	33	0
1994	15	1	12	0	27	1
Total	270	24	81	2	351	26

* Except Corsica.

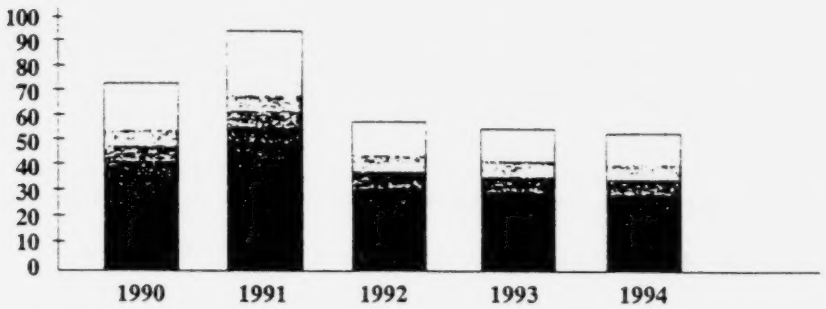
Location of acts of racism since 1991, by region*

Region	1991		1992		1993		1994		Total	
	A	T	A	T	A	T	A	T	A	T
Alsace	1	15	0	6	5	7	3	3	9	31
Aquitaine	1	6	3	1	3	6	0	2	7	15
Auvergne	1	1	0	1	0	4	1	2	2	8
Bourgogne	0	14	1	2	1	2	0	5	2	23
Bretagne	0	8	1	3	0	5	2	4	3	20
Champagne-Ardennes	2	9	0	14	0	1	2	6	4	30
Centre	2	9	0	2	2	9	4	9	8	29
Franche Comté	2	32	0	1	2	1	0	3	4	37
Languedoc-Roussillon	2	14	1	0	0	12	1	6	4	32
Limousin	0	4	2	3	2	1	0	1	4	9
Lorraine	0	21	3	11	5	7	2	10	10	49
Midi-Pyrénées	1	14	0	2	1	5	0	5	2	26
Nord	1	9	0	8	2	5	2	13	5	35
Basse-Normandie	0	7	0	6	0	1	0	4	0	18
Haute-Normandie	2	7	1	10	1	2	5	8	9	27
Pays-de-Loire	1	6	0	2	1	3	1	7	3	18
Picardie	4	6	0	1	1	1	3	5	8	13
Poitou-Charentes	1	3	0	1	0	6	1	2	2	12
Provence-Alpes Côte d'Azur	14	33	5	5	2	16	1	7	22	61
Rhône-Alpes	3	29	2	19	4	12	2	14	11	74
Ile-de-France	13	70	9	42	6	28	4	44	32	184
Total	51	317	28	140	38	134	34	160	151	751

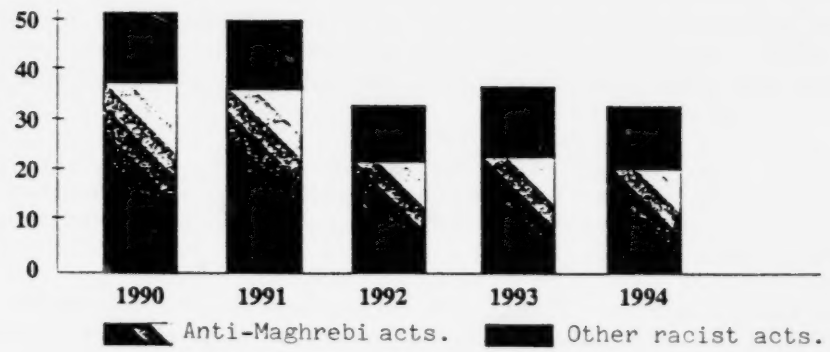
* Except Corsica.

A: Acts
T: Threats

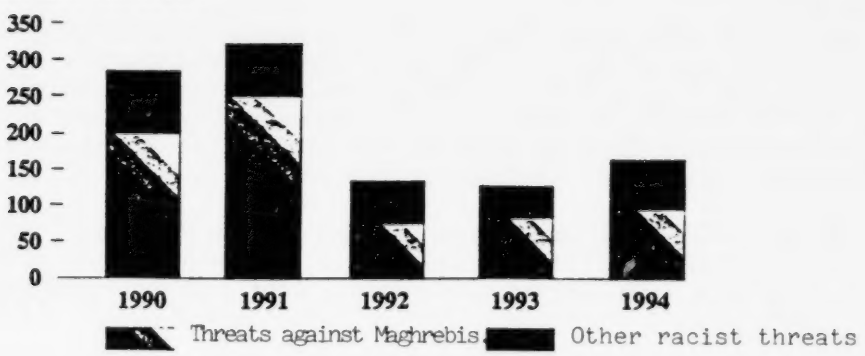
Racist, anti-Semitic and anti-Zionist violence.



Racist violence.



Racist threats.



Anti-semitism

The growth of anti-Semitism since 1980

In the early 1980s, several violent acts forming part of international terrorism were carried out against the Jewish community and Israeli offices in France: the attack on the Rue Copernic synagogue in October 1980, the murder of Yacov Barsimentov in April 1982 and the machine-gunning of the Rue des Rosiers in August 1982.

There were hardly any cases of extreme-left or Middle Eastern terrorism after this wave of anti-Zionist violence and attacks on the Jewish community declined significantly, reaching their lowest level in 1986, when there were two incidents.

Although anti-Semitism declined after 1982, there were some new incidents as a result of certain events that had a major impact in the media:

1987: the Barbie trial: 13 incidents and 133 threats.

1990: the desecration of the Jewish cemetery at Carpentras: 20 incidents and 372 threats.

1991: the repercussions of the Gulf war: upsurge of anti-Semitism, with 40 incidents, including 16 in January alone. This event, a new development in France, revealed the animosity of some Maghrebis towards the Jewish community.

Various acts of aggression against synagogues - 16 in all - were carried out, none of them very serious (stone-throwing), by young North Africans. These malicious acts dropped off spontaneously once the hostilities ended, but did not disappear entirely.

The first eight months of 1992, which were relatively calm, with 6 incidents, were followed by an increase, with 14 incidents for the last four months, in addition to 5 incidents attributable to Arab-Islamic groups. The new increase coincided with the desecration of the Jewish cemetery in Herrlisheim (68): 193 graves were damaged on 28 August.

This shows once again just how sensitive such violence is to contagiousness and imitation. The incidents reported the day after what had happened in Herrlisheim included the pro-Nazi graffiti scribbled on the wall of the Jewish cemetery in Lyon on 13 September and on a dozen or so Jewish graves. Six members of Lyon skinhead and hooligan groups who were arrested in early October later admitted their guilt.

The desecration of the cemeteries in Freyming-Merlebach (57), on 8 September, and Schiltigheim (67), on 30 December, should also be noted. Hostile acts were also carried out against about a dozen synagogues in 1992.

Nevertheless, despite the increase in the last two months of 1992, anti-Semitic violence did not reach the levels of 1991. The drop in the number of threats was even more marked: 184 in 1991 and 109 in 1992. In 1993, anti-Semitic violence continued to abate: 17 incidents were reported, 3 of them attributable to Arab-Islamic groups.

However, acts of intimidation, leaflets and other anti-Semitic graffiti, were on the rise. In 1993, 164 "threats" - 152 anti-Semitic "threats" and 12 leaflets and threats denying the genocide - were reported, as against 109 for the previous year.

This form of violence stabilized in 1994, with 19 incidents as against 17 in 1993.

As usual, Jewish buildings and places of worship were the main targets, including the synagogues in Puteaux (92) and Pantin (93), and a cemetery in Fegersheim (67), in which 58 tombstones were overturned and slabs broken, the Beth Menahem school in Villeurbanne (69), a company in Pantin (93) specializing in Kosher products and a vehicle belonging to a Lubavitch centre in Nice (06), which was set on fire.

Six other incidents targeted members of the Jewish community:

On 2 March, in Epinay-sur-Seine (93), two persons leaving the synagogue were hit by beer bottles thrown by two individuals hiding on a footbridge;

On 15 March, in Marseille (13), a high school student wearing a yarmulke was assaulted on a bus by six Maghrebis;

On 11 April, in Villeurbanne (69), a merchant was bludgeoned by three persons who then fled, dropping behind them neo-Nazi stickers from the United States chapter of NSDAP-AO;

On 5 June, in Paris, a Pole under the influence of alcohol attempted to throw a boy wearing a yarmulke onto the tracks in the Jaurès underground station. When he was arrested, he said he had "wanted to kill a Jew";

On 15 July, in Créteil (94), youths of African origin threw stones at the oratory, during the service;

On 5 August, in Marseille (13), the female manager of a petrol station attacked and gassed two clients (15 days of sick leave), after making anti-Semitic insults.

Eight acts were committed by Arab-Islamic groups, some in retaliation for the massacre of several dozen Palestinians on 25 February 1994 at the Tomb of the Patriarchs in Hebron (Israel). The signing of the Israeli-Palestinian peace accords also led to renewed anti-Semitic manifestations, especially of anti-Zionism.

By contrast, the number of anti-Semitic threats 5/ dipped somewhat (143) compared to 1993 (164).

Certain acts of violence stand out in particular because of the strength of the reaction they aroused within the community:

On 18 May, in Rillieux-la-Pape (69), the plaque commemorating the execution of the seven Jewish hostages shot by the Lyon militia on 29 June 1944 was destroyed. This desecration occurred almost a month after Paul Touvier was sentenced to life imprisonment for his role in that incident. During the night of 6-7 July, the new commemorative plaque was also destroyed;

In October, several deputies from eastern France and Ile-de-France received the revisionist work, "L'holocauste au scanner", by the Swiss Jürgen Graf, distributed from Belgium. This book was banned in France in December 1994;

On 9 November, in Paris, tear-gas was thrown into two cinemas showing the film "Tsahal", about the Israeli army. Responsibility was immediately claimed by the Union Defence Group (GUD), which intended to "express its solidarity with the Palestinian people, the victim of daily atrocities committed by the Zionist occupation army". Several members of this group, who were brought in for hearings the next day, were not recognized by witnesses.

Like leaflets with racist connotations, anti-Semitic pamphlets circulate with a maximum of discretion, left in letter boxes or sent through the post to persons assumed to belong to the Jewish community. Although revisionist tracts are tending to decline gradually as a result of the many proceedings brought against the negationists, a large number of books and brochures were published in 1994.

Arrests

Eleven persons were arrested in 1991 for anti-Semitic or anti-Zionist acts, and nine in 1992. 6/ The latter included the six skinheads identified as the persons who desecrated the Jewish cemetery in Lyon during the night of 12-13 September.

There were no arrests in 1993.

In 1994, eight arrests were recorded, all followed by legal proceedings.

5/ However, these figures do not always reflect the magnitude of certain occurrences. The distribution of a leaflet received by many persons on the same day is reported as one and the same incident, in the same way as the dissemination of a tract to just one recipient.

6/ The police do not systematically receive reports of legal proceedings.

Location of acts of anti-Semitic violence

A list of places where anti-Semitic violence and threats 7/ occur shows great disparities.

The most affected regions are Ile-de-France, Rhône-Alpes and Provence-Alpes-Côte-d'Azur.

Since 1991, almost 44 per cent of all the incidents reported nationally were concentrated in Ile-de-France (44 of 101).

The proportion (248 of 573) is the same with regard to threats. The inner-city area of Paris was particularly affected, with many pieces of mail, leaflets and letters addressed to the representatives of the Jewish community, as well as to political figures of all persuasions.

The reasons for the relatively high rate of anti-Semitic violence in Ile-de-France are the high overall population density, the large Jewish community and the activities of extreme-right groups and skinheads.

The regions of Rhône-Alpes (20 acts, 45 threats) and Provence-Alpes-Côte d'Azur (11 acts, 57 threats) are quite far behind. Alsace and Lorraine are particularly affected owing to the activities of a small group of neo-Nazi PNFE members. The Midi-Pyrénées region reports a large number of acts of intimidation, which usually do not lead to physical acts.

In the rest of the country, only a few scattered acts have been reported.

Comparative statistical data

Anti-Semitism

List of anti-Semitic acts since 1980, by suspected origin

Victims of anti-Semitism or anti-Zionism since 1980

Location of acts of anti-Semitism since 1991, by region

Location since 1991, by department

7/ See statistical tables below.

List of anti-Semitic and anti-Zionist acts since 1980*
(by suspected origin)

Year / Origin	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	Total
Extreme right	75	26	26	21	15	10	2	13	17	18	20	24	20	14	11	312
Extreme left	0	0	4	0	0	1	0	0	0	0	0	0	0	0	0	5
International terrorism and Arab groups	1	0	4	0	1	0	0	0	0	0	0	16	5	3	8	38
Totals	76	26	34	21	16	11	2	13	17	18	20	40	25	17	19	355
Threats: all origins combined	190	70	135	70	80	56	57	133	89	153	372	184	109	164	143	2 005

* Except Corsica.

Victims of anti-Semitism and anti-zionism since 1980*

Year	Extreme-right acts		Extreme-left acts		Acts linked to international terrorism or Arab groups		Total	
	Persons injured	Persons killed	Persons injured	Persons killed	Persons injured	Persons killed	Persons injured	Persons killed
1980	5				30	4	35	4
1981	1						1	0
1982					78	7	78	7
1983	1						1	0
1984	1	1					1	1
1985	18						18	0
1986							0	0
1987	2						2	0
1988							0	0
1989	1						1	0
1990	3						3	0
1991	1				4		5	0
1992	6				1		7	0
1993	3				1		4	0
1994	3				1		4	0
Total	45	1	0	0	115	11	160	12

* Except Corsica.

Annex III

JUDICIAL MEASURES TAKEN TO COMBAT RACISM AND XENOPHOBIA

The main legal development in 1994 was the entry into force of the new Penal Code on 1 March 1994, as a result of Acts No. 92-683, No. 92-684, No. 92-685 and No. 92-686 of 22 July 1992 and No. 92-1336 of 16 December 1992.

The new legislation in force does not apply to press offences, as provided for in the Act of 29 July 1881 on Freedom of the Press, but it does increase the penalties for some racist offences (racial discrimination, aggravated desecration of graves, criminal responsibility of corporate bodies) and creates new offences (non-public racial incitement, non-public racial defamation and insult). In addition, Act No. 93-128 of 6 December 1993 on Security during Sporting Events makes it an offence to display an acronym associated with a racist ideology during a sporting event.

Following these changes, the anti-racist legislation now in force has had to be re-evaluated.

Chapter I contains a full inventory of anti-racist laws, while chapter II describes the judicial measures taken.

CHAPTER I

STATUS OF AND PROSPECTS FOR FRENCH LEGISLATION ON RACISM AND XENOPHOBIA IN 1994

I. STATUTORY AND JUDICIAL PREVENTION OF RACIST OFFENCES

To prevent racist offences from being committed, the authorities have two effective instruments: administrative prohibitions and interim relief proceedings in the civil courts.

A. Administrative prohibitions under criminal law

In order to maintain public order, legislative provisions allow the administrative authorities to take the following measures in respect of groups and publications based on racist ideologies.

(a) Dissolution of de facto associations and groups advocating hatred and racial violence

Act No. 72-545 of 1 July 1972 on Action to Combat Racism supplemented article 1 of the Act of 10 January 1936 on Combat Groups and Private Militias by adding a sixth case of dissolution by means of a decree of the President of the Republic adopted in the Council of Ministers.

This measure can apply to de facto associations and groups which incite discrimination, hatred or violence against a person or a group of persons on account of their origin or because they belong or do not belong to a

particular ethnic group, nation, race or religion or which disseminate ideas and theories designed to justify or encourage such discrimination, hatred or violence.

The re-establishment of a dissolved group is punishable by correctional penalties of up to seven years' imprisonment for the group's organizers and when the group is an armed combat group (arts. 431-15 and 431-17 of the Penal Code).

(b) Prohibition on the sale of racist publications to minors and on any form of publicity for such publications

The Act of 31 December 1987 amended article 14 of the Act of 16 July 1949 on Publications Intended for Young Persons. It empowrs the Minister of the Interior to issue a ministerial order which prohibits offering, giving or selling to minors publications of any kind involving a danger to young persons through their emphasis on violence, discrimination or racial hatred.

The ministerial order on the publication in question may also prohibit any publicity for that publication.

The violation of the prohibition is punishable under criminal law by imprisonment for up to one year and/or a 25,000 franc fine.

(c) Prohibition on publications in a foreign language or of foreign origin containing racist tracts

Article 14 of the Act of 29 July 1881 authorizes the Minister of the Interior to issue a ministerial order to prohibit publications in a foreign language or of foreign origin and to carry out the administrative confiscation of prohibited tracts, in addition to instituting criminal proceedings. For example, the sale of the French translation of the anti-Semitic Russian work entitled "The Protocol of the Elders of Zion" was prohibited by the Ministerial Order of 25 May 1990.

When done knowingly, the sale, distribution and reproduction of prohibited newspapers and tracts are punishable by up to one year in prison and/or a 30,000 franc fine.

B. Interim relief proceedings in the civil courts

Under article 809, paragraph 1, of the new Code of Civil Procedure, the President of the High Court may, in the event of an emergency, "prescribe the necessary measures of protection either in order to prevent imminent harm or to halt an obviously unlawful disturbance".

When an emergency case has been referred to him, the judge must take a decision immediately after having heard both parties. This decision is enforceable notwithstanding an appeal. For example, the distribution in bookstores and kiosks of a magazine questioning whether the gas chambers were

used to commit murder during the Second World War was prohibited by a decision of the interim relief judge of the Paris High Court on 25 May 1987 (Paris High Court, 25 May 1987, Gaz. Pal., 1987.I.369).

II. PENALTIES FOR RACIST OFFENCES

Under French law, a number of objectively racist acts and types of behaviour are characterized as criminal offences.

A. Penalties for public expressions of racist thoughts

Freedom of expression and opinion is guaranteed by article 11 of the 1789 Declaration of the Rights of Man, which has constitutional rank.

However, abuses of this freedom are punishable by the Act of 29 July 1881 on Freedom of the Press, which deals with all expressions of thought either orally, in writing or by audiovisual means, provided that they are public.

The Act of 29 July 1881 on Freedom of the Press establishes a specific regime for press offences, by derogation from the ordinary law of the Penal Code and the Code of Criminal Procedure. With regard to penalties for expressions of thought, the Act is favourable to the accused: pre-trial detention is usually prohibited (art. 52 of the 1881 Act), confiscation of disputed tracts prior to trial is very restricted (art. 51 of the 1881 Act), prescription of the public right of action takes effect within a short period of three months starting from the first act of dissemination to the public (art. 65 of the 1881 Act), and the procedure for press offences is governed by a very strict system relating to voidability, which requires, inter alia, that the act in question should be defined precisely (art. 65 of the 1881 Act), and relating to proceedings (arts. 50 and 53 of the 1881 Act).

The following offences are provided for and punishable by the 1881 Act:

Incitement to discrimination, hatred or violence on the grounds of racial or religious origin or membership

Article 24, paragraph 6, of the 1881 Act, as amended by the Act of 1 July 1972, provides that anyone who, by any of the means referred to in article 23, incites discrimination, hatred or violence against a person or a group of persons on account of their origin or because they belong or do not belong to a particular ethnic group, nation, race or religion is liable to a penalty of up to one year in prison and/or a 300,000 franc fine.

If the racist incitement is not public (in a letter that has been sent, for example), the offence becomes a misdemeanour punishable by a fine of up to 10,000 francs (art. R.625-7 of the Penal Code).

Public defamation and insult on the grounds of racial or religious origin or membership

Defamation, as provided for in article 32, paragraph 2, of the 1881 Act, is the result of any allegation or attribution of specific and erroneous facts

which are prejudicial to the honour or reputation of a person on account of his race, his religion or his national or ethnic origin. Racial defamation is punishable by up to one year in prison and/or a 300,000 franc fine.

A false allegation that a person or a group of persons has committed a crime or an offence or engaged in conduct contrary to public morals, probity or patriotic duty is defamatory.

Public insult, as referred to in article 33, paragraph 3, is the result of the use of any term of contempt and any insulting language.

It differs from defamation in that defamation involves an allegation of a specific fact whose truth or falseness can be proved without difficulty. Insult does not, however, involve any allegation of specific facts.

Racial insult is punishable by up to six months' imprisonment and/or a 150,000 franc fine.

The offence of defamation or insult does not exist unless the allegations or insulting language have been publicized by one of the means referred to in the 1881 Act.

In the absence of publicity, racist insult and defamation are misdemeanours punishable by a fine of up to 5,000 francs under articles R.624-3 and R.624-4 of the Penal Code.

Advocacy of crimes against humanity

This offence was included in the 1881 Act on Freedom of the Press (art. 24, para. 3) by Act No. 87-1157 of 31 December 1987.

According to the legal writings, advocacy of crimes against humanity is constituted by a publication or public statement inciting those to whom it is addressed to make a favourable moral value judgement about one or more crimes against humanity in order to justify such crimes or their perpetrators.

Crimes against humanity are the crimes which are defined by article 6 of the Charter of the International Military Tribunal, known as the Nürnberg Tribunal, annexed to the London Agreement of 8 August 1945 and which were committed either by the members of an operation declared to be criminal (SS, Gestapo, SD, Nazi Leader Corps) or by any person found guilty of such crimes by a French or international court.

According to the legal writings, crimes against humanity are inhumane acts and persecutions which are systematically committed on behalf of a State carrying out a policy of ideological supremacy against persons because they belong to a racial or religious community or against the opponents of the policy of that State. Only crimes recognized to have been committed during the Second World War by war criminals of the European Axis countries, especially Nazi Germany, and by any person acting on behalf of those States are taken into account.

This offence is punishable by up to five years' imprisonment and/or a 300,000 franc fine.

Contesting crimes against humanity

This offence is provided for in article 24 bis of the 1881 Act and derives from the Act of 13 July 1990.

The aim is to punish the public denial of the above-mentioned crimes against humanity, as recognized by a French or international court.

This offence particularly involves persons who claim to be historians to try to demonstrate that the Nazi holocaust never existed. No text made it possible to punish persons who wrote "revisionist" or "negationist" tracts and who managed to give their comments a racist ring. The new article 24 bis now provides for criminal penalties for such a serious form of the expression of racism, which is a vector of anti-Semitism.

It is now prohibited to question the existence of the Jewish genocide committed by Nazi war criminals sentenced for crimes against humanity by the Nürnberg Tribunal.

This offence is punishable by up to one year in prison and/or a 300,000 franc fine.

B. Penalties for racist acts and behaviour

In addition to the specific provisions contained in the 1881 Act on Freedom of the Press, the Penal Code punishes discriminatory and racist acts and behaviour by private individuals or government representatives.

The following offences are thus punishable under the Penal Code and other legislation:

(1) Wearing uniforms or displaying insignia or emblems associated with the persons responsible for crimes against humanity

Under article R.645-1 of the Penal Code, a fine of up to 10,000 francs is imposed for publicly wearing a uniform or displaying insignia or emblems resembling those worn by the members of an organization declared criminal by the Nürnberg Tribunal (SS, Gestapo, SD and Nazi Commander Corps) or by any person found guilty of crimes against humanity. Such uniforms, emblems and insignia will be seized and confiscated.

This offence is not applicable where uniforms, insignia or emblems are worn or displayed for the purposes of a film, a show or an exhibition in connection with an historical evocation.

(2) Prohibition on storage of data relating to race

A specific provision on computerized data storage was created by Act No. 78-17 of 6 January 1978 on data processing, files and freedoms.

Article 226-19 of the Penal Code prohibits the storage, except with the agreement of the person concerned, of personal data showing racial origin or religious opinions.

This offence is punishable by five years' imprisonment and/or a 2 million franc fine.

(3) Displaying signs associated with racist ideology during sporting events

According to article 42-7-1 of Act No. 84-610 of 16 July 1984, as amended on 6 December 1993, anyone who introduces, wears or displays insignia, signs or symbols associated with a racist or xenophobic ideology in sports premises while a sporting event is taking place or being publicly broadcast is liable to a 100,000 franc fine and/or one year in prison.

Article 42-11 of the Act also provides that persons convicted of a violation of article 42-7-1 are liable to the additional penalty of being prohibited from entering one or more places where a sporting event takes place for a period of up to five years.

(4) Racial discrimination

The Penal Code punishes discrimination based on origin or genuine or alleged membership (or non-membership) of an ethnic group, a nation, a race or a religion, when it involves (arts. 225-1 to 225-4 of the new Penal Code):

Refusing to provide goods or services;

Obstructing the normal exercise of any economic activity;

Refusing to hire, punish or dismiss a person;

Making the provision of goods or services subject to a discriminatory condition;

Subjecting a job offer to a discriminatory condition.

The penalty for discriminatory acts is increased, since they are punishable by up to two years' imprisonment and a 200,000 franc fine.

Discrimination committed by persons vested with government authority or responsibility for a public service (art. 432-7) is defined by the above-mentioned article 225-1. The penalty to which such persons is liable is increased to up to three years' imprisonment and a 300,000 franc fine.

(5) Increase in the penalty for the offence of desecration of graves

The Code provides that the violation of the integrity of a corpse and the desecration of graves are punishable by up to one year in prison and a 100,000 franc fine. Monuments to the memory of the dead are henceforth

regarded as graves. When the desecration of a grave also involves the exhumation of the corpse, the penalty is increased to two years' imprisonment (art. 225-17).

When these offences have been committed as a result of the deceased persons' genuine or alleged membership (or non-membership) of a particular ethnic group, nation, race or religion, the penalties are increased to three years' imprisonment and a 300,000 franc fine.

The exhumation of a corpse in such conditions is punishable by five years' imprisonment and a 500,000 franc fine.

C. Criminal responsibility of corporate bodies for racist offences

The Penal Code provides that corporate bodies (such as companies, associations, etc.) other than the State may be declared criminally responsible in the cases provided for by law or by statute for offences committed on their behalf by their organs or representatives (art. 121-2 of the new Penal Code), notwithstanding the criminal responsibility of natural persons who commit, or are accessories to, such offences (art. 121-2, last subparagraph).

The conviction of corporate bodies is expressly provided for in the case of crimes against humanity (art. 213-3), discrimination (art. 225-4), violations of the rights of individuals by means of data files or data processing (art. 226-24), the maintenance or re-establishment of dissolved combat groups and movements (art. 431-21) and the display of insignia (art. R.645-1).

The list of penalties (dissolution, temporary prohibition, confiscation, court surveillance ...) contained in article 131-39 of the new Penal Code allows for the effective punishment of the corporate bodies concerned.

In all cases where the responsibility of a corporate body is engaged, the maximum fine applicable to such a body is equal to five times that provided for natural persons by the statute punishing the offence (art. 131-41 of the new Penal Code).

III. VICTIMS PROTECTED AND REMEDIES AVAILABLE TO THEM

French law protects victims of racist-type conduct, whether they are private individuals, a group of persons or a corporate body.

They are afforded the traditional remedies and also have the possibility of acting through associations which combat racism.

The victim of an offence under the 1881 Act (oral or written racist remarks directed against them) has, in addition, a right of reply.

A. VICTIMS PROTECTED

Victims of offences with racist or religious motivations may be a person designated individually or a group of persons recognizable on account of their origin or membership (or non-membership) of a particular ethnic group, nation, race or religion.

This enumeration makes it possible to protect not only persons of colour or believers of a particular religion (Christians, Muslims, Jews, etc.), but also those who are designated by their nationality (anti-French "racism", for example) or by their membership of a particular regional group (such as Basques or Corsicans).

B. VARIETY OF REMEDIES AVAILABLE

(1) Ordinary remedies

Victims may, within the periods allowed by the law, institute criminal proceedings against the perpetrators of any of these offences using the traditional means available to any victim of an offence:

Issuing of a summons, whereby direct application may be made to the criminal courts without a preliminary examination, the person identified as having committed the offence being served notice by a marshal;

Lodging of a complaint directly with the Government Procurator, or with the police for transmittal to the Procurator, who will consider the merits of the complaint and decide what action must be taken;

Institution of criminal indemnification proceedings: during the criminal proceedings, the victim may claim indemnification for injury caused to him or her by the offence;

Filing of a complaint with the examining magistrate to institute indemnification proceedings.

The Government Procurator's Office may itself institute criminal proceedings.

(2) Special role of associations combating racism

The legislature has sought to give associations which combat racism a special role in instituting criminal proceedings.

Victims are very often not aware of their rights or not prepared to lodge a complaint. The intervention of an association, aside even from the case in which the association itself claims to have suffered injury, offers them assistance and support. It also allows class actions to be brought when several persons are victims of the same offence.

Associations authorized to act

Article 48-1 of the 1881 Act, resulting from the Act of 1 July 1972, authorizes associations proposing under their statutes "to combat racism" to exercise the rights granted to the claimant for criminal indemnification. The

Act of 13 July 1990 extended that possibility to associations which propose "to assist victims of discrimination based on their national, ethnic, racial or religious origin". This text covers the offences provided for by the last paragraph of article 24, article 32, paragraph 2, and article 33, paragraph 2, i.e. incitement to discrimination, hatred or violence, defamation or insults of a racial character.

The creation of the new offence of contesting crimes against humanity in article 24 bis has led the legislature to insert an article 48-2 in the Press Act permitting the rights granted to the claimant for criminal indemnification to be exercised by "any association regularly declared for at least five years as at the date of the events and proposing under its statutes to defend the moral interests and honour of the Resistance or deportees". This text relates to the questioning of crimes against humanity (art. 24 bis), but also "advocacy of war crimes, crimes against humanity or crimes or offences of collaboration with the enemy", punishable under article 24, paragraph 3.

Any association regularly declared for at least five years as at the date of the events and proposing under its statutes to combat racism or to assist victims of racist offences may exercise the rights granted to the claimant for criminal indemnification in respect of discriminatory acts provided for by articles 225-2 and 432-7 of the new Penal Code and attacks on persons or property constituting offences under articles 221-1 to 221-4, 222-1 to 222-18 and 322-1 to 322-13 of the new Penal Code which have been committed to the detriment of a person on account of his national origin or membership or non-membership of a particular ethnic group, race or religion (art. 2-1 of the Code of Criminal Procedure, as worded on the basis of Act No. 85-10 of 3 January 1985).

In addition, pursuant to article 48-1 of the Act on Freedom of the Press of 29 July 1881, such associations may exercise the rights granted to the claimant for criminal indemnification in respect of the offences of incitement to hatred and racial discrimination, racial defamation or insults, subject, in the case of offences committed against persons treated individually, to the consent of the latter.

The associations may therefore formally notify the Government Procurator's Office of the existence of an offence and even institute criminal proceedings directly by means of a summons or by filing a claim for criminal indemnification with the examining magistrate. However, to ensure greater consistency as far as penalties are concerned and to avoid procedural disputes, the associations are advised to act with discernment and in close consultation with the Government Procurator having jurisdiction.

Right of reply instituted for the benefit of associations

Article 13 of the Press Act accords a right of reply "to any person named or designated in a daily newspaper or periodical". Jurisprudence admits this right as being granted both to corporate bodies and to private individuals. Therefore, if associations meeting the conditions provided for by articles 48-1 or 48-2 are defamed personally, they are naturally able to exercise their right of reply.

The innovation brought by the Act of 13 July 1990 is the recognition that these associations can exercise the right of reply in place of the persons defamed, either in the press or on radio or television.

Right of reply in the press

A new article 13-1 has been inserted in the 1881 Act to enable associations meeting the conditions of article 48-1 to exercise the right of reply "when a person or group of persons have been subjected, in a newspaper or periodical, to charges which may injure their honour or reputation on account of their origin or membership or non-membership of a particular ethnic group, nation, race or religion".

The Act does, however, place two limitations on the power of the associations.

First, when the accusation concerns persons treated individually, the association cannot exercise the right of reply unless it is able to show that it has their consent. Some victims may feel that the best answer is to remain silent, in order to protect their privacy, rather than give greater and renewed emphasis to the charges with the publication of a clarification.

Secondly, in order to avoid cumulative or repeated proceedings, article 13-1 provides that, where a reply has been published at the request of an association under the terms of article 48-1, "no association may demand the insertion of a further reply".

Right of reply on radio or television

The exercise of this right raises specific technical problems. The legislation providing for the exercise of the right of reply on radio or television is Act No. 82-652 of 29 July 1982, as amended by the Act of 30 September 1986 and supplemented by a decree of 6 April 1987.

Article 6 of this Act has been supplemented by the Act of 13 July 1990 to permit associations meeting the conditions of article 48-1 of the Press Act to exercise the right of reply when the defamatory remarks concern a person or group of persons. This text is couched in the same terms as article 13-1 of the 1881 Act and contains the same limitations: consent of the person in question and prohibition of further claims once a reply has been broadcast at the request of an association.

IV. PROSPECTS FOR LEGISLATION

A preliminary draft of a law to combat the dissemination of racist or xenophobic ideas is in preparation. This draft was submitted for comment, in the process of its elaboration, to the National Consultative Commission on Human Rights.

CHAPTER II

ACTION BY THE MINISTRY OF JUSTICE AND THE COURTS TO COMBAT RACISM AND XENOPHOBIA IN 1994

I. THE ROLE OF THE MINISTRY OF JUSTICE IN RESPECT OF RACIST CRIME

On 10 December 1993, at the plenary meeting of the French National Consultative Commission on Human Rights held at the Ministry of Justice, Mr. Pierre Mehaignerie, the Minister of Justice, said he was concerned to ensure that prevention is encouraged as an essential measure in this field, especially as far as young adolescents are concerned.

Early in 1994, 50,000 copies of a pamphlet entitled "Guide to anti-racist legislation" were distributed free of charge by the Ministry of Justice. This practical guide was intended to perform the often neglected task of informing the public at large by offering an overview of the various racist offences and the remedies available to the victims.

On the basis of the circular issued by the Department of Criminal Cases and Pardons on 12 March 1993, the active participation of Government Procurators in departmental units to combat racism makes it possible to meet with anti-racist associations, discuss local problems together and exchange information. The "departmental coordination unit to combat racism, xenophobia and antisemitism", set up within each "departmental council for the prevention of delinquency" under the circular issued by the Prime Minister to the prefects on 1 March 1993, meets at least once a year to monitor problems of racism, initiate warning procedures, if necessary, collect information on local criminal policy, promote the amicable settlement of disputes and, in the light of particular local characteristics, propose measures to strengthen social cohesiveness.

Thus, as a result of the firm and vigilant implementation of criminal legislation on racism deriving from the many circulars on the public right of action issued to the Government Procurator's Office since 1972, a policy for the prevention of racist crime has been taking shape with the assistance of the Prosecution Service.

II. JUDICIAL MEASURES TO PREVENT RACIST OFFENCES IN THE CONTEXT OF URBAN POLICY

Most districts which are underprivileged both in terms of town planning and in economic, social or cultural terms are hosts to a large proportion of foreign families or families of foreign origin who are usually over-represented in such areas. Neighbourhood conflicts arising out of different cultural practices are common.

Urban judicial policy, which is designed to develop a system of neighbourhood justice by providing for mediation in criminal matters and setting up remand centres and duty offices for aid-to-victims' associations in these sensitive areas goes a long way towards preventing conflicts related to problems of cohabitation.

By 20 October 1994, 32 remand centres and 10 justice agencies had been set up in 12 departments that have priority where urban policy is concerned. Working out of premises provided by the municipal authorities, these structures make it possible for the public right of action to be exercised in a decentralized and diversified way in respect of petty crime; established criminal law procedures for dealing with insults can thus be brought into play promptly.

These structures also make it easier to re-establish law and order and set up mediation on criminal matters by neutral third parties. These procedures are particularly well suited to settling neighbourhood conflicts of a xenophobic or even a racist nature. In 1993, such a measure was taken in 22,000 criminal cases.

The Ministry of Justice subsidizes a network of 155 associations for assistance to the victims of criminal offences and encourages their establishment in problem districts.

III. MANIFESTATIONS OF RACISM PUNISHED BY THE COURTS

A. Manifestations of racism punished by civil courts

Manifestations of racism and xenophobia are not confined to the criminal courts. The civil courts sometimes hear cases which involve action to combat racism. Two recent cases warrant particular attention.

In its mail order catalogue, a company headed by the president of a small allegedly pro-Nazi group was offering a range of German National Socialist Party, SS, Waffen-SS, Celtic, nationalist, Bonapartist or esoteric-style badges, pins, armbands, belt-buckles, signet rings, busts of Hitler, knives and caps, as well as a subscription voucher for the soon-to-be published book by the late Léon Degrelle entitled "Hitler pour mille ans".

On 11 July, by an order based on article 809, paragraph 1, of the new Code of Civil Procedure, the interim relief judge of the Paris High Court ordered the mail order company to stop distributing its catalogue unless it deleted the reference to a book and badges "with Nazi overtones".

The interim relief judge based his decision on the fact that the mail order system in question was an incitement constituting imminent harm, "for an immediate threat necessarily exists when the injurious act is imminent, as in the case in question (...) so that, if the company has not already undertaken to sell the objects listed in the catalogue in this way, it is perfectly at liberty to distribute or display the catalogue at any time in public places; moreover, to put these objects up for sale may also immediately lead to their use, which is tantamount to serving as a vehicle for nostalgic reminiscing about nazism, with its indissoluble links to the notion of racism". This decision was appealed by the defendant (No. 94-17 A15).

On 7 July 1994, because of the distribution of this catalogue, the Government Procurator of the Meaux High Court ordered examination proceedings to be instituted against persons unnamed on charges of "incitement, as a result of the distribution of documents, printed matter, drawings or emblems, to discrimination against or hatred of persons on the grounds of their membership or non-membership of a particular ethnic group, race or nation".

The examination proceedings will come up against the problem of determining the public nature of the offence and classifying the acts reported in criminal terms as incitement to racism.

On 9 November 1992, an association was registered with the sub-prefecture of Fontainebleau for the purpose "of holding an open debate and conducting a scientific investigation into the question whether gas chambers were used to kill people during the Second World War" and "of obtaining the rehabilitation of persons prosecuted for contesting those facts".

Following proceedings in which a number of incidents occurred, the Fontainebleau High Court found the association to be invalid and ordered that it should be dissolved on the basis of article 7 of the Act of 1 July 1901.

Since the lawful nature of its purpose is a basic condition for the validity of an association, the court considered that, on the basis of its statutes, this association had been established publicly to contest the existence of the crimes against humanity committed by the National Socialists during the Second World War, an activity prohibited by article 24 bis of the Act of 28 July 1881 on Freedom of the Press (No. 93-127 A4).

B. Manifestations of racism punished by the criminal courts

An analysis of the case law identified by the criminal courts applying anti-racist legislation to specific cases helps to understand the situation with regard to racist behaviour and ways of, and the problems involved in, punishing them.

It may be useful to look at some examples taken from proceedings and decisions on racism.

(1) Proceedings on charges of incitement to discrimination, hatred or racial violence

On 6 January 1994, the fourth correctional division of the Lyon Court of Appeal sentenced the mayor of a small town in central France to a 10,000 franc fine with a suspended sentence and the publication of the judgement because, in June 1993, he published an article in the town newsletter of the commune which contained the following passages: "Immigration is flooding our commune. What is worse, the immigrants are all of one nationality, and this encourages an anti-French feeling of duality. Why this proliferation of immigration, this occupation? What has happened to integration? Insecurity is already partly the results of this immigration: problems in school, bullying, attacks (...). From the time of Charles Martel to that of Charles de Gaulle, the French have been capable of making a clean sweep when necessary. I think they still could if they were asked to".

The court, upholding the ruling in first instance, recalled that it was not unlawful for a mayor to state his views on immigration and crime. However, "he should do so without naming the Turkish settlement in X... as being the cause of all the unpleasantness in the commune and without using pejorative terms". The court concluded that an article of this kind was liable to "stir up hatred between the two communities" and held that the accused was guilty on the grounds of incitement to racial hatred. The sentence is now final (No. 93-1013 A4).

During the municipal elections campaign of March 1990, in C...(92), the candidate X. published an article in a local newsletter illustrated by a drawing of a queue at a municipal office for the allocation of low-rent housing showing four persons of African and Arab origin, the first of whom is being given a rent contract, while a local woman loses patience and says, "I often get the impression that I'm not welcome in C...". In March 1990, X. published an article in the same newsletter alleging that the communist mayor of C... had "allowed the northern districts to be invaded by immigrants" and was turning the town into "a Soviet Muslim republic". In March 1990, X. distributed yet another pamphlet entitled "(...) Do you recognize your mayor?", illustrated on the back with a photograph of Muslims at prayer on Sunday, 26 February 1989, in the Place de la République in Paris, with the title "I am in favour of the right to vote for immigrants - Z., French Communist Party mayor of C...".

As the result of a complaint and criminal indemnification proceedings instituted by the Ligne des Droits de l'Homme, proceedings were brought against X. for these publications before the correctional court on the basis of article 24, paragraph 6, of the 1881 Act.

On 7 October 1991, the Versailles court of appeal acquitted X. on the following grounds. With reference to the first of the texts in question, "The fact of portraying a queue at the low-rent housing office with a large proportion of residents made to look as if they were foreigners and behind them a person apparently of French nationality who states that she has the impression that she is not welcome in C... is neither discrimination nor incitement to racial hatred, since the text and the drawing merely reflect a local situation resulting from the town council's policy" and the immigrants are not in a particular ethnic, racial or religious category.

With regard to the second document, the judges pointed out that the article is basically against municipal policy, that the term "invasion" is not necessarily pejorative, that the term "Soviet Muslim republic" refers to the town council which is in office and is Communist and that the article as a whole, which is intended for the election campaign, is not incendiary enough to constitute incitement to racial hatred.

As to the third document, the judges point out that the photograph published represents an objective fact, the reproduction of which is no more reprehensible than the sight itself and that the fact of opposing the granting of the right of vote to foreigners cannot be regarded as a call to hate them, since the right of vote is, according to the law and the Constitution, reserved for French nationals only.

By a decree of 18 January 1994, the Criminal Division of the Court of Cassation considered that the Court of Appeal had sovereignly weighed up the extrinsic elements of the documents submitted to it and had justified its decision of acquittal (No. 90-1718 A4).

(2) Proceedings for racial defamation and insult

By an order of 6 January 1994, the Versailles court of appeal sentenced Mr. X. to 18 months' imprisonment with a suspended sentence and three years' probation, with an obligation to compensate the victim (60,000 francs), on charges of destruction of property, racial defamation and insult.

X. lived next door to Mr. and Mrs. Y.; he had damaged their fence and, while out in his garden and in the presence of witnesses, had made the following remarks to Y., who was Jewish: "You're still alive because you led the dance for people like your father and your mother, who went to the gas chambers, everyone knows that", and "Stupid bastards, I'm always rude to their faces" (No. 93-29 A4).

(3) Proceedings for advocacy of crimes against humanity, contesting crimes against humanity and displaying illicit symbols

On 2 July 1993, the weekly R. carried a drawing entitled "The liberation of Buchenwald", depicting an American soldier asking five deportees: "Where are the gas chambers?", with the deportees replying by pointing in four different directions. The drawing went with an article entitled "Television - another documentary full of hot air", which reviewed a film shown on ARTE channel about the liberation of the German concentration camps by the United States Army at the end of the Second World War. The review stated, for example: "It has now been established that there were never any gas chambers for killing people in the territory of the Third Reich".

On the initiative of the Government Procurator's Office, the publications director of the weekly and the artist who drew the picture were referred to the correctional court on the charge of contesting crimes against humanity and were sentenced on that charge by the Paris High Court on 10 January 1994. By a decision of 8 June 1994, the Paris Court of Appeal upheld the judgement, whereby each of the accused was sentenced to a fine of 10,000 francs and to pay 3,000 francs in damages and 15,000 francs on the basis of article 475-1 of the Code of Criminal Procedure to each of the four associations which were claimants for criminal indemnification, as well as the publication of a statement in the newspaper in question (No. 93-1337 A4).

On 22 August 1993, an unemployed 29-year-old man was stopped by a police patrol as he drove around aimlessly on a moped while dressed in a German Waffen SS uniform and carrying a bayonet-type dagger. On 16 March 1994, he was charged by the Poitiers correctional court with carrying a prohibited weapon and wearing the uniform of an organization declared to be criminal and sentenced to a four-month suspended sentence and 200 hours of public service over a period of 18 months, together with a 4,000 franc fine and the confiscation of the uniform and the weapon (No. 93-29).

(4) Proceedings for racial discrimination

On 2 May 1994, the Rouen Court of Appeal sentenced Mr. X. to a 5,000 franc fine for refusing to hire a cleaning woman when he was the manager of a tennis and squash club and justifying his attitude in writing by saying: "A person of colour - impossible" (No. 93-1914 A4).

(5) Proceedings for putting prohibited works up for sale

On 15 March 1994, the police discovered 46 volumes of the "Revue d'histoire revisionniste" (Review of revisionist history) on the shelves of a Bordeaux bookshop in violation of the Ministerial Decree of 2 July 1991 banning this review from being offered for sale on the basis of article 14 of Act No. 49-596 of 16 July 1949 on publications for young people.

On 6 July 1994, the bookshop owner, who was a first offender, was sentenced by the Bordeaux correctional court to one year's imprisonment, six months as a suspended sentence, a 20,000 franc fine and the confiscation of the articles seized. He appealed the sentence (No. 94-640 A4).

(6) Violent racist or allegedly racist offences and desecration of graves

On 16 March 1994, 30 graves were desecrated in the cemetery of Saint-Laurent de Brevedent (76). Crosses, name plates and flower vases were broken. The perpetrators also drew a Nazi swastika on the ground.

Following an inquiry, three young men were arrested; they admitted the facts and were placed under a detention warrant on 9 August 1994 by the examining judge of Le Havre. One had already been sentenced to one year's imprisonment for the same acts on 23 December 1991 by the correctional court of Le Havre (No. 94-1104 A13).

On 5 February 1994 at 5.05 a.m. in Ajaccio, a Moroccan refuse collector, married with children, was fatally injured by shots from a vehicle as he was collecting household refuse. Shortly before, two employees of the refuse collection service, also North Africans, had been similarly attacked, but fortunately were not physically injured.

Judicial examination proceedings were immediately instituted. On 14 January 1994, four youths were placed under investigation on charges of murder and attempted murder and put under a criminal detention warrant (No. 94-282 B21).

In the night of 17 to 18 September 1994, individuals broke into the Nantes mosque and lit a fire which caused considerable property damage.

Judicial examination proceedings were instituted for arson (No. 94-1112 A13).

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IMPLEMENTATION OF THE PROGRAMME OF ACTION FOR THE THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION

Report by Mr. Maurice Glélé-Ahanhanzo, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, submitted pursuant to Commission on Human Rights resolutions 1993/20 and 1995/12

Addendum

Mission to the United Kingdom of Great Britain and Northern Ireland from 13 to 24 November 1995

GE.96-14250 (E)

INTRODUCTION

A. Purpose of the mission

1. In compliance with Commission on Human Rights resolutions 1993/20 of 2 March 1993 and 1995/12 of 24 February 1995, the Special Rapporteur visited the United Kingdom of Great Britain and Northern Ireland from 13 to 24 November 1995, as agreed with the Government of that country. The Special Rapporteur's purpose was to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them.

2. Allegations received at the Centre for Human Rights referred to a multiplication of racist incidents in the United Kingdom due, in particular, to the activities of movements of the far right and to the behaviour of the police towards certain ethnic minorities. Jewish organizations had also informed the Special Rapporteur of the resurgence of anti-Semitic acts prompted by the propaganda of fundamentalist Islamic organizations and organizations of the far right.

3. The mission was also timely since, in July 1995, the Human Rights Committee, after considering the fourth periodic report of the United Kingdom, submitted in accordance with article 40 of the International Covenant on Civil and Political Rights (CCPR/C/95/Add.3), had expressed regret "concerning the failure to address adequately issues properly arising under article 26 [prohibition of discrimination] of the Covenant" (CCPR/C/79/Add.55, para. 2). The Committee had also expressed concern on a number of matters directly or indirectly related to the question of racism and racial discrimination. 1/

B. Mission programme

4. The Special Rapporteur first visited London, where he met with officials and high-level political figures, including the Honourable Timothy Kirkhope, MP, Parliamentary Under-Secretary of State for Home Affairs; Mr. Philip Astley, Head, Human Rights and Humanitarian Division, Foreign and Commonwealth Office; and the Honourable Douglas Henderson, MP (Labour), shadow spokesperson on community race relations. A working meeting was held in which Mr. Ranjit Zondhi, Deputy Chairman, and Mr. Sukh Dev Sharma, Executive Director, of the Commission for Racial Equality, participated. The Special Rapporteur also met Mr. Michael Banton, a member of the Committee on the Elimination of Racial Discrimination, and attended an extremely interesting lecture by the Right Honourable the Lord MacKay of Clashfern, entitled "Racial Equality and the Courts: the Lord Chancellor's perspective".

5. The Special Rapporteur then travelled to the Midlands (in the north of England) and visited the cities of Birmingham, Manchester and Liverpool, where he had fruitful meetings with municipal officials working to improve race relations in their cities and with officials of the regional offices of the Commission for Racial Equality.

6. In addition to official meetings and meetings with local community leaders, the Special Rapporteur met representatives of several non-governmental organizations (NGOs), religious institutions and trade unions, including Amnesty International, the Runnymede Trust, the Institute for Race Relations, the Minority Rights Group, the Law Society, the Board of Deputies of British Jews, the Churches Commission for Racial Justice, the Trades Union Congress and the Confederation of British Industry.

7. The Special Rapporteur concluded his trip with a visit to the Campsfield holding centre at Kidlington, near Oxford, to the north of London, where "illegal" immigrants and asylum-seekers are held while waiting to be either expelled or authorized to enter Britain after consideration of their cases.

8. A detailed schedule of the mission appears in the annex to this report.

9. The Special Rapporteur would like to convey his deep gratitude to the Government of the United Kingdom for its diligence in arranging his visit, for the quality of the hospitality he received, and for the spirit of cooperation displayed by its representatives. He also thanks the representatives of non-governmental organizations who agreed to see him and provided him with information.

C. Breakdown of the population of the United Kingdom

10. According to the official census carried out in 1991 by the Office of Population Censuses and Surveys (OPCS), there are 51,874,000 Whites and 3,015,000 members of minority ethnic groups (see Table 1). Among these ethnic groups, a distinction has been made between Blacks (Afro-Caribbeans, Africans and other Blacks) and Asians (Indians, Pakistanis, Bangladeshis, Chinese and other Asians). Overall, minorities make up 5.5 per cent of the population of the United Kingdom.

11. It is important to note that, according to information obtained from several official and unofficial sources, most members of ethnic minorities, in a spirit of solidarity and for political purposes, prefer to be called "Black". Therefore, the use of the term "Blacks" throughout the rest of this report will be used in a political rather than a racial sense and will denote all the ethnic minorities in the United Kingdom. The terms "Black" and "ethnic minority" are also used in studies on the British population.

Table 1. Acceptances for settlement by nationality, 1992 to 1995

United Kingdom

Number of persons

Geographical region	1992	1993	1994	1993		1994				1995	
			(R)	3rd Qtr	4th Qtr	1st Qtr (R)	2nd Qtr (R)	3rd Qtr (R)	4th Qtr (R)	1st Qtr (P)	2nd Qtr (P)
Europe											
European Economic Area 1/	930	530	620	120	100	230	180	120	80	90	50
Other Europe	3 690	4 480	4 040	1 170	1 140	1 170	1 250	830	790	910	960
Europe	4 630	5 010	4 650	1 280	1 250	1 400	1 420	960	870	1 000	1 010
Americas	7 260	7 660	7 890	2 030	1 600	2 040	1 830	2 200	1 820	2 030	2 000
Africa	8 980	10 790	11 920	2 810	2 530	3 240	2 740	3 110	2 820	3 100	3 120
Asia											
Indian subcontinent	15 070	14 090	14 070	3 590	3 040	3 790	3 290	3 740	3 250	3 590	3 730
Remainder of Asia	10 190	11 270	11 840	3 050	2 690	3 280	2 730	3 030	2 790	3 040	2 720
Asia	25 260	25 360	25 900	6 640	5 730	7 080	6 020	6 770	6 040	6 630	6 450
Oceania	2 340	2 650	2 850	710	540	680	690	760	720	880	920
Other nationalities 2/	4 100	4 170	1 890	1 130	900	530	470	460	420	350	400
All nationalities	52 570	55 640	55 110	14 610	12 540	14 970	13 180	14 270	12 690	13 990	13 900

Source: Home Office Statistical Bulletin, Control of Immigration: Statistics United Kingdom, First Half 1995, 19 October 1995.

1/ European Community prior to 1994.

2/ Includes South-East Asian refugees.

12. This category breaks down as follows:

Africans	7.0 per cent
Afro-Caribbeans	22.5 per cent
Bangladeshis	5.4 per cent
Indians	27.9 per cent
Pakistanis	15.8 per cent
Chinese	5.2 per cent
Other Asians	6.6 per cent
Others	9.6 per cent

13. Blacks live primarily in the urban and industrial areas of Greater London (20.2 per cent of the population), Birmingham, Manchester and Liverpool.

14. After the Second World War, the United Kingdom encouraged the inhabitants of its colonies or former colonies in southern Asia, Africa and the Caribbean to immigrate in order to replace the large numbers of its own able-bodied population who had died during the war. These early immigrants were recruited into heavy industry, construction, transport (bus, train and underground drivers) and the health field (nurses). The immigration of such persons was facilitated by the passage, in 1948, of the Nationality Act, which conferred British citizenship on His Majesty's colonial subjects and nationals of the Commonwealth. This explains the special situation of British minorities in Europe; although they experience racial discrimination in various forms, they enjoy civil, political, economic, social and cultural rights and can assert those rights through political action.

15. Jews are considered as Whites and form a community consisting of an estimated 300,000 people, most of whom live in London (200,000) and Manchester (30,000). The remainder live in Liverpool, Leeds and Glasgow.

II. EXAMPLES OF CONTEMPORARY FORMS OF RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

A. Preliminary observations

16. The Government of the United Kingdom acknowledges the existence of problems and is trying to overcome them through legislative and administrative measures designed to eliminate economic and social disparities between the White majority and the ethnic minorities. Government action is supplemented by that of local communities, Churches, trade unions and numerous non-governmental associations and organizations.

17. The United Kingdom was in fact one of the first Member States of the United Nations to make a frontal attack on the problems that may arise from race relations, by very early on adopting laws on the subject and creating a Commission for Racial Equality responsible for supervising their implementation.

18. Remarkable progress has been achieved during the 30 years of the policy of racial equality, but increasingly subtle forms of discrimination have emerged. Moreover, in recent years, the economic crisis and competition for increasingly scarce resources and jobs, as well as political activity by far right and neo-Nazi movements and parties and violent action by the police against certain communities, have polarized social relations between rich and poor on the one hand, and between Whites and Blacks on the other. In these black communities, race riots, racially-motivated murders and various incidents of greater or lesser seriousness have occurred.

19. The arrival of immigrants and asylum-seekers, in particular from the southern hemisphere, has accentuated the ambient xenophobia.

20. The recent measures envisaged by the Government to check immigration and requests for asylum do not seem likely to relieve tensions.

21. The Special Rapporteur proposes to consider some of the problems faced by British society and then to describe the measures taken by Her Majesty's Government and actions initiated by civil society.

B. Prejudices, stereotypes and racism in daily life

22. As the Human Rights Committee has been informed in the past, Africans, Afro-Caribbeans and Asians driving luxury cars are unjustifiably stopped and searched by the police. The police are alleged to harbour prejudices against the majority of Africans and Afro-Caribbeans whom they regard as drug dealers or pimps or, in any case, criminals. When stopped, supposedly for a vehicle registration check, such persons may also be questioned regarding their residence status because they are automatically suspected of being in Britain illegally. Young Asians are sometimes suspected of having stolen the cars they are driving.

23. An African name can be an almost insurmountable obstacle to obtaining a skilled job. Many Africans are unable to obtain interviews because their applications are rejected by employers, even if they have attended the best British universities, such as Oxford and Cambridge, or the London School of Economics. An Afro-Caribbean or African with a first and family name of British origin may be invited to an interview which, in rare cases, may lead to an offer of employment, but an African who has retained the signs of his identity will arouse negative prejudices and be stereotyped as failing to integrate into society, having bizarre customs and dress or being incompetent, which will prevent him from leaping this first hurdle and obtaining a management position in a firm.

24. A Muslim name may also be equated with failure to integrate into British society. Generally speaking, the middle and upper classes have a particularly strong resentment of Muslims, an "Islamophobia", especially with regard to

Pakistanis, Bangladeshis and nationals of the Maghreb and the Middle East countries. The members of these classes have a Christian upbringing and are worried by Muslim fundamentalism. The rejection of Muslims is also a result of Middle East conflicts whenever they affect British interests to the slightest degree. Such was the case in 1991 during the Gulf war. Anti-Muslims tend to equate nationality, Islam, fundamentalism and terrorism.

C. Harassment and racial violence

25. These phenomena have three sources: the activities of small, extreme right-wing groups and neo-Nazi organizations, individual behaviour and police treatment of Black communities and their members.

26. Incidents involving small, extreme right-wing groups are recorded by the police when reported by victims. There have been 7,000-8,000 racially motivated incidents per year since 1992. From 1988 to 1992, the number of such incidents increased from 4,383 to 7,734. However, many analysts believe that these statistics represent less than the real number of racist incidents since many victims of such acts do not trust the police to follow up on their complaints and therefore do not report them. In other cases, the police themselves minimize such incidents by classifying them as minor offences such as street "crime/burglary", "juvenile crime/hooliganism" or "neighbourly dispute". 2/

27. The British Crime Survey, published by the Home Affairs Committee on Racial Attack Harassment, uses orally conducted surveys of individuals and questionnaires to record actual racist incidents that are qualified as such by the victims but have not necessarily been brought to the attention of the police. In 1991, using this method, approximately 130,000 racist incidents were estimated to have occurred. According to officials of the Commission for Racial Equality, the 1994 estimates are of approximately the same magnitude.

28. With regard to police behaviour, observers point out that police officers are constantly suspicious of ethnic minorities, as evidenced by the fact that members of these groups are frequently stopped and searched. According to Government statistics, one quarter of the individuals stopped by the police in the United Kingdom between 1993 and 1994 were black, despite the fact that Blacks make up only 5.5 per cent of the population. In London, nearly 42 per cent of the individuals stopped and searched between April 1993 and April 1994 were black although minorities make up only 20 per cent of the residents of that city. 3/ The Criminal Justice Act of 1994 expanded police powers, authorizing them to engage in such practices without any grounds for suspicion and making any refusal to cooperate an offence. The statistics given above "provide the first evidence that the new powers are leading to greater harassment of black and minority communities, as many predicted they would when the legislation was passing through Parliament". 4/

29. There is also a tendency to use excessive force during operations carried out in ethnic-minority areas in pursuing criminals or individuals suspected of being in Britain illegally. Some operations of this type have led to deaths: in 1993, immigration officers, accompanied by police, bound Joy Gardner, a young woman of Jamaican origin, with adhesive tape and attempted to forcibly remove her in order to expel her. She is reported to

have died while struggling to resist removal. Joseph Nnalue allegedly died in October after falling from the third floor of the building where he lived when immigration officials raided his apartment for the purpose of expelling him and his family.

30. The urban riots which raged in major cities during the 1980s and in Bradford in June 1995 were signs of ethnic communities' frustration at the violence perpetrated against their members by the police.

31. Offensive remarks and insults are the most common forms of racist attack, followed by assault, property damage, graffiti, the placing in letter boxes of offensive letters, tracts or packages containing filth, etc. Murder is rare according to statistics compiled by the Runnymede Trust, 12 were committed between 1992 and 1993. 5/ The most publicized murder was that of young Stephen Lawrence, who was stabbed by four young Whites in Eltham, in south-east London, in April 1993. When the Crown Prosecution Service refused to prosecute those responsible for the murder, Stephen Lawrence's family, with public support, initiated what has been termed the "first private prosecution for murder". Moreover, many of those interviewed expressed the opinion that the courts were often lax in prosecuting those who committed crimes likely to have been racially motivated.

32. Afro-Caribbeans, Bangladeshis and Pakistanis are the principal victims of such acts, followed by Indians, Chinese and other Asians. Although incidents of that type do take place in the street, they most commonly occur in low-income urban housing, where there is a high concentration of ethnic minorities. 6/

33. Pre-trial detention of Blacks may also lead to death or ill-treatment, as in case of Shiji Lapite, who died at Newington police station in December 1994, and Brian Douglas, who died last August at Vauxhall police station as a result of skull fractures caused by blows with a truncheon. Acts committed by the police usually go unpunished, as in the above-mentioned case of Joy Gardner, where the three police officers implicated in the incident were released.

D. Education and employment

34. The goal of the Government and of local communities is to provide everyone, without any distinction, with a basic education in order to facilitate integration into British society and access to the labour market. As much as possible, school and university curricula take the country's ethnic diversity into account since each institution is responsible for determining, on the basis of guidelines issued by the Department of Education, the emphasis to be placed on knowledge of other cultures and religions and the history of the various ethnic groups.

35. In that regard, the Government takes into account Lord Swann's findings and conclusions in Education for All (the Swann Report), published in 1985, which stresses the need to ensure equal opportunity in the field of education, to eliminate racist discourse from teaching materials and to promote non-discriminatory attitudes.

36. However, some think that insufficient attention is paid to cultural diversity, that the national curriculum continues to overemphasize British and Christian culture and that teachers do not receive adequate training in nonracist attitudes that could facilitate their relations with students from ethnic minorities. Many such students have problems in school because English is not their mother tongue. The special courses organized for them have not yet achieved the desired results, and recruitment of bilingual teachers remains insufficient.

37. There is a strong trend towards academic failure among children and adolescents from ethnic minorities, particularly in the Afro-Caribbean and Bangladeshi communities, perhaps as a result of problems present in those communities (the break-up of families, tension between the traditional and British cultures, parental unemployment and poverty), but also because the school environment is hostile to them and teachers may be prejudiced against them. For example, Afro-Caribbean children and adolescents are often considered to be undisciplined and to have little interest in school and, as a result, are marginalized and excluded for the slightest act of misbehaviour.

38. Many young Blacks leave school with a low level of education and without qualifications, only to add to the relatively high numbers of unemployed among ethnic communities.

39. Students from ethnic minorities may also be psychologically affected by racist harassment from their fellow-students to the point that their studies suffer in consequence.

40. Even members of ethnic minorities with excellent school records find it difficult to obtain employment, particularly during the current period of job scarcity. Whereas the unemployment rate in 1993 was an estimated 9.5 per cent for Whites, it was 37.3 per cent for Africans, 30 per cent for Pakistanis, 27.7 per cent for Bangladeshis, 25 per cent for Afro-Caribbeans and 15 per cent for Indians.

41. Many qualified members of ethnic minorities are obliged to do manual labour or take unskilled jobs (cleaners, security guards, taxi drivers, etc.) or are confined to subordinate positions during their entire career in, for example, the public services. A recent Health Department report 7/ notes that racism and racial discrimination are widespread in the health services and that supervisors are reluctant to implement equal opportunity policies, preferring to promote white nurses rather than their black colleagues.

E. Housing discrimination

42. In the public or semi-public sector controlled by the Housing Council, certain practices may be considered discriminatory. Immigrant or ethnic-minority families, most of which are large, wait longer than others before receiving housing and are initially given dilapidated apartments. In some cases, ethnic concentration is encouraged by administrative officials particularly keen to minimize racial harassment and violence against minority groups.

43. Faced with the difficulty of finding housing in the public sector, many families seek housing in the private sector; however, they encounter other types of discrimination. For example, a study made by the Commission for Racial Equality and published in 1990 8/ noted that discriminatory practices, fed by prejudice, were widespread in the private rental housing sector: Blacks of equal or even higher income had more difficulty in finding housing than Whites.

F. Political expressions of racism and incitement to racial hatred and xenophobia

44. The politicization of racism has been hindered by the resurgence of extreme right-wing parties such as the National Front and the British National Party, which, at the end of the 1970s and 1980s, achieved some success in elections. Incitement to racial hatred remains a source of concern but is difficult to define because it is carried out anonymously, for example, through graffiti on walls, tracts distributed in letter boxes and clandestine dissemination of racist and neo-Nazi publications. The militancy of small, extreme right-wing groups, though sporadic, is responsible for racist incidents.

45. The speeches of traditional right-wing politicians tend to incite xenophobia and exacerbate of latent social tensions when they present the immigration of "coloured" persons as a threat to national unity and refer to refugees from countries in the southern hemisphere as "bogus asylum-seekers" who come to Britain in order to profit from the material well-being of the British. Illegal immigrants are presented as a threat to British society, hence the brutality of the methods employed to expel them.

G. Immigration and the right to asylum

46. The United Kingdom's once-open immigration policy has become increasingly restrictive for people originating from African and Asian States members of the Commonwealth. As stated above, in 1948, the British Nationality Act made no distinction in principle between subjects of the Crown. At the time, to be British was to enjoy the status of subject and all subjects had the right of free entry into the United Kingdom. The status of citizen of the Commonwealth was equivalent to that of British subject.

47. As a result of successive amendments to legislation, access to nationality and the right of abode of persons from, in particular, the new Commonwealth, 9/ has been made more difficult. The first limitations appeared in the Commonwealth Immigration Act of 1962, which made a distinction between holders of a British passport issued in the United Kingdom and those whose passports had been issued in the colonies. In 1968, in order to regulate the arrival of British Indians from Kenya, the Act was amended to state that only persons born in the United Kingdom, or with a parent or grandparent who had been born there, could enter Britain. The 1971 Immigration Act brought the regulations governing the right of entry for members of the Commonwealth into line with those that apply to foreigners and, in 1981, a nationality act confirmed the definitions of British citizenship set forth in the immigration laws.

48. Today, increasing numbers of nationals of the new Commonwealth, unlike those of the old Commonwealth, are required to obtain visas. The views held by the Commission for Racial Equality differ from those of the Government with regard to immigration and the right to asylum. The Commission considers that the measures introduced in that respect are more rigorously applied to nationals of third world countries. The Church Commission for Racial Justice stated in its communication to the Special Rapporteur that:

> "United Kingdom policy appears to be consistently based on the desire to limit the number of Black and minority ethnic people coming into the country, and hasten the departure of some of those already here .... Visa controls have been placed on many (black) Commonwealth countries, while being lifted on (white) central and eastern European countries."

49. Furthermore, the Government is very strict with regard to family reunification, to the point of requiring male or female applicants wishing to join a spouse or fiancé(e) residing in the United Kingdom to meet conditions over and above the law. Applications may be rejected on the grounds that, according to the traditions of the country of origin, it is not the fiancé who joins his fiancée or the husband who joins his wife, but rather the reverse. This is frequent in the case of people from India, Pakistan or Bangladesh. In some cases, fiancés have never seen each other and wish to meet in order to found a family arranged by their respective families, but they encounter difficulties if either of them wishes to travel to the United Kingdom because the immigration authorities suspect them of wishing to circumvent the immigration laws. The Government, for its part, takes the view that its immigration policy is devoid of any discriminatory criteria and presents the statistics in Table 2 below.

50. With regard to the right to asylum, Government measures are clearly intended to discourage the arrival of asylum-seekers, the great majority of whom are from countries in the southern hemisphere. The Government considers that the measures taken are necessary in order to curb the exponential increase in the number of applicants, which rose from 4,000 in 1988 to 40,000 in 1995; 70,000 applications are currently pending. "Over 50 per cent of the applications were from Africa, with 30 per cent from Asia and nearly 20 per cent from Europe and America". 10/ The Government's goal is to limit the granting of refugee status or the right of abode on humanitarian grounds to 4-5 per cent.

51. The 1994 statistics show that the majority of applications were from Africa (16,960) and Asia (9,500). There were 6,250 applications from Europeans. However, a proportionally greater number of Europeans were granted asylum (140) or the right of abode on humanitarian grounds (1,365) than Africans (115 and 1,815, respectively) and Asians (570 and 480) (see Table 2).

52. The basic elements of the strictness of the policy on immigration and the right to asylum are detention under the 1993 Asylum Act and the 1971 Immigration Act and the bill on asylum and immigration which the Government tabled in Parliament this winter.

53. Approximately 700 asylum-seekers and immigrants without papers are currently being held in 37 prisons and detention centres. An estimated 9,000 persons per year are held in detention. 11/ The criteria for the detention of asylum-seekers are:

(a) That the individual asylum seeker might abscond from the address given, thereby breaking a condition of a grant of Temporary Admission (TA);

(b) If there are any doubts over the identity of the asylum seeker or if he or she does not have valid travel documents;

(c) If the application has been made after a leave to enter the country has expired (over-stayers);

(d) If the asylum seeker has entered the country illegally;

(e) If the right to asylum has been refused and the applicant must be expelled.

Table 2. Number of people detained a/ who had sought asylum, by nationality (No. of principal applicants)

Nationality	As at 10 May 1995	As at 13 January 1995	As at 18 November 1994
Afghanistan	-	1	1
Albania	8	7	6
Algeria	65	63	74
Angola	6	9	11
Bangladesh	19	16	20
Bulgaria	-	-	1
Cameroon	1	3	2
China	76	19	10
Colombia	8	6	8
Cyprus	7	16	19
Dominica	1	1	1
Ecuador	3	2	-
Egypt	2	1	3
Eritrea	1	1	1
Estonia	-	1	1
Ethiopia	1	3	5
Gambia	5	3	3
Georgia	5	1	-

Nationality	As at 10 May 1995	As at 13 January 1995	As at 18 November 1994
Ghana	65	60	56
India	84	61	87
Iran (Islamic Rep. of)	8	2	4
Iraq	-	2	5
Israel	-	-	2
Ivory Coast	4	9	10
Jamaica	5	4	5
Kenya	3	6	6
Lebanon	3	5	2
Liberia	3	4	5
Libyan Arab Jamahiriya	4	4	6
Malawi	-	1	1
Mauritius	2	3	5
Morocco	9	7	7
Mozambique	-	1	1
Niger	-	2	-
Nigeria	108	119	117
Pakistan	29	32	28
Peru	-	1	1
Philippines	1	-	2
Poland	3	1	-
Romania	7	10	5
Russian Federation	5	3	2
Sierra Leone	5	10	13
South Africa	1	5	6
Sri Lanka	20	9	13
Sudan	5	5	3
Trinidad and Tobago	2	1	1
Tunisia	1	1	3
Turkey	30	20	49
Uganda	3	2	5
United Rep. of Tanzania	1	-	1

Nationality	As at 10 May 1995	As at 13 January 1995	As at 18 November 1994
Yugoslavia (countries of former)	11	7	6
Zaire	10	17	22
Zimbabwe	-	1	1
Others	2	2	5
Nationality doubtful	4	2	3
Total	646	572	654

Source: Home Office Statistical Bulletin. Asylum Statistics United Kingdom 1994, 30 June 1995, para. 23.

a/ Persons detained solely under the powers contained in Schedules 2 or 3 of the Immigration Act 1971. In some cases the asylum application will have been lodged subsequent to the applicant being detained. The figures include both detained asylum applicants who applied at ports, and those detained in after-entry enforcement work. These figures include people awaiting the setting of directions for removal following refusal of the application, as well as those whose applications were under consideration or subject to appeal.

54. The nationalities of detainees change from month to month, but the majority are Africans and Asians, as indicated in Table 2. The length of detention ranges from one month to one year, depending on how quickly the detainees' supporting documents and papers are assembled, either to authorize them to enter British territory, or to expel them. The Home Office gives priority to consideration of detainees' files but does not always receive cooperation from either the detainees or their country of origin in establishing their real identity and nationality, which is why the procedure takes so long.

55. The Special Rapporteur visited the Campsfield holding centre, in the Oxford area. He notes that the reception conditions are good and that detainees may avail themselves of an attorney of their choice and confer with him at the centre. They may also maintain contact with the outside world by telephone. He nevertheless wonders whether it was appropriate to have turned the management and supervision of the centre over to the private security firm Group 4.

56. There is not very much to add about detention conditions at Campsfield, but according to sources, detainees at the Harmondsworth holding centre near Heathrow Airport are exposed to the constant noise of aircraft taking off and landing.

57. He regrets that asylum-seekers and undocumented immigrants are being held in such prisons as Pentonville, Holloway, Wandsworth, Wormwood Scrubs and Brixton, near London, in the company of common criminals.

58. Generally speaking, detention is a source of anxiety and mental stress for detainees brought on by uncertainty about their fate and the relative isolation in which they are kept. It can have tragic results, including the suicide of asylum-seekers. Others embark on hunger strikes to protest their detention. Cases of ill-treatment by guards, such as that which led to the 1991 death of Omasase Lumumba, a Zairian; have also been brought to the attention of the Special Rapporteur.

59. The bill on immigration and the right to asylum was the subject of heated debate between the Conservative and Labour Parties at the time of the Special Rapporteur's visit. The two parties accused each other of using race as a campaign issue, with Labour claiming that the provisions of the bill were targeted primarily at black immigrants and asylum-seekers, and the Conservatives accusing Labour of playing on solidarity with the asylum-seekers in order to win the support of the ethnic minorities, who are sensitive to the issue of immigration and right to asylum because of national or emotional ties with immigrants and asylum-seekers.

60. In any event, the bill is aimed fundamentally at removing all rights to income support and other benefits from most asylum-seekers as from 8 January 1996. Some 70 per cent of applications for asylum are made after the person has entered the country. The Government believes that most of them are groundless because they come from tourists or students who are simply trying to prolong their stay. It believes that genuine asylum-seekers should apply upon arrival at a port or airport.

61. The Government's arguments have been countered by the Refugee Council, a charitable organization that receives Government support to take care of refugees, which notes that asylum-seekers are entering British territory prior to submitting their requests because they fear being detained if they do so upon arrival. The Refugee Council has provided the following analysis:

> "According to Home Office statistics, in the last three years more than 50 per cent of positive decisions were awarded to in-country applicants. In the first three quarters of 1995, in-country applicants were twice as likely to be granted refugee status than port applicants. The Government, however, compares the refusal rates of in-country (80 per cent) and port (70 per cent) applications as part of their justification for these proposals. They argue that the claims of in-country applicants are therefore less credible. A 10 per cent differential is, however, no justification for removing benefits from an entire category of asylum applicants." 12/

62. Observers, including the UNHCR London office, believe that these measures will have the effect of putting numerous asylum-seekers whose cases are under consideration on the street. About 10,000 people will lose all benefits. They will have no means of paying for food or housing. Due to lack of financial means they will not have access to procedures for remedy.

63. Landlords are already refusing to rent to asylum-seekers. Even hostels run by charities cannot accept people who are not entitled to benefits. The only option will be life on the streets. The presence in the streets of a large number of black asylum-seekers risks accentuating the climate of xenophobia.

H. Anti-Semitism

64. Current manifestations of anti-Semitism have two main sources: organizations and movements of the far right, and Islamic fundamentalist organizations. These manifestations are for the most part minor incidents (distribution of anti-Semitic literature, insults, graffiti) but can also take violent forms, such as bombings and arson. In all there were 350 anti-Semitic incidents in 1994. In July 1994, the Israeli Embassy was bombed and a Jewish charitable institution in north London was the target of an arson attack. The perpetrators will be tried in 1996.

65. The most active extreme-right organizations are the British National Party (BNP), which promotes an ideology of exclusivity or "Rights for Whites", and Combat 18, a much more violent organization, which is behind the skinhead and hooligan movements. The influence of these organizations, however, is very limited. It does not extend beyond London and part of its periphery (the east). The BNP is thought to have committed numerous racist acts, and Combat 18 has published lists of persons who should be killed and disseminated information in writing on how to make bombs.

66. The Islamic organizations that incite anti-Semitism are linked to Islamic fundamentalist organizations in the Middle East, such as Hamas and Hezbollah, which encourage the killing of Jews wherever they are found. Among these organizations, the London-based Hizb-ut-Tahrir, which disseminates anti-Semitic publications and propaganda, claims there is a Jewish plot to rule the world.

67. The Jewish community regrets that these organizations have not been prosecuted for their activities, although the Board of Deputies of British Jews has gathered enough evidence of their responsibility for acts of violence or for racist propaganda. The Board is very concerned by the application of legislation on incitement to racial hatred, which, due to its complexity, is becoming ineffective. The Crown Prosecution Office is responsible for instituting the appropriate proceedings. Trials, however, are rare, because the rules of evidence are very stringent. The Office does not like to begin proceedings unless they will result in a conviction, and unless the proceedings are in the public interest. But anti-Semitic graffiti and handbills are often anonymous.

68. Consequently, the Board is calling for a revision of the law so as to reduce the requirements for evidence; to create a specific infraction and offence of racist harassment and violence; and to create an offence of defamation with respect to an ethnic group, such that any member of the defamed group may bring charges. Despite the support of the majority of Parliament, a 1995 bill containing this recommendation was unsuccessful. 12/

III. MEASURES TAKEN BY THE GOVERNMENT AND LOCAL COMMUNITIES

69. The measures taken by the Government and local communities to combat racism and racial discrimination were exhaustively presented in the fourth periodic report of the United Kingdom to the Human Rights Committee (CCPR/C/95/Add.3) and in its twelfth and thirteenth periodic reports to the Committee on the Elimination of Racial Discrimination (CERD/C/226/Add.4 and CERD/C/263/Add.7). The Special Rapporteur will therefore not go into detail on these measures in the present report but will limit himself to brief recapitulations, emphasizing those measures he believes to be most important.

70. These measures are legal and administrative. Various incentive measures have also been taken in the economic, social and cultural fields to ensure equal opportunity to ethnic minorities and the promotion of their culture.

A. Legal and administrative measures

71. In the area of legislation, the principal instrument for combating racism and racial discrimination is the Race Relations Act, which covers numerous fields. Under its provisions, it is forbidden to practise racial discrimination in the fields of employment, education and access to property, equipment and services, including housing. It targets both direct racial discrimination whereby one individual is treated less favourably than another on racial grounds, whereby regulations and conditions are indirectly or involuntarily imposed, so that persons are put at a disadvantage because of race. The Act punishes any distinction, exclusion, restriction or preference based on race, colour, ancestry or national or ethnic origin which constitutes unfavourable treatment or treatment that puts a person at a disadvantage in any of the fields covered and which cannot be justified.

72. The Race Relations Act has undergone several amendments aimed at strengthening it and broadening its scope, in the field of housing for example. Its provisions now apply to professional relations between members of the Bar and between barristers and solicitors, under the 1990 Court and Legal Service Act. In addition, article 70 of the Act has been repealed, and the law on incitement to racial hatred incorporated in Title III of the 1986 Public Order Act. Under its terms, the act of publishing or distributing writings or expressing, in any public place or during any public meeting, remarks that are threatening, injurious or insulting and that are liable to arouse hatred towards any racial group in Great Britain constitutes an offence.

73. The Commission for Racial Equality is the agency created under the Race Relations Act to monitor its implementation. It is responsible for overseeing the elimination of racial discrimination and promoting equal opportunities and good race relations between the different ethnic groups within the British population. The Commission is also the main source of information and advice for the public and is empowered to provide legal assistance to individuals who feel they have been the victims of illegal discriminatory measures and wish to apply to the courts. The Commission further advises employers, trade unions and the police on the implementation of equal opportunity legislation.

74. Based on its advice, businesses and trade unions have designed their own equal opportunity action plans for employees who belong to ethnic minorities.

75. The Commission is based in London and has branch offices in several parts of the United Kingdom, including Leeds, Leicester, Birmingham, Manchester and Edinburgh.

76. The Commission's work is important because it monitors the development of discriminatory practices and can encourage the Government and Parliament to make constant adjustments to legislation. It also prepares codes of good conduct for private enterprise in such areas as housing and employment. To this should be added the fact that article 47 of the Race Relations Act was complemented by article 137 of the 1988 Housing Act in order to allow the Commission to draw up codes of practice applicable to the rental sector that could be used in court. Similarly, article 189 of the 1989 Local Government and Housing Act extended the scope of article 47 to all housing categories.

77. In the field of employment, the Industrial Tribunals ensure that the law is applied, and anyone who believes he is a victim of discrimination may bring complaints before them. The functioning of these tribunals is less formal than in ordinary courts. They are presided over by a solicitor assisted by representatives of the trade unions and management. The complainant may be represented by an attorney or may plead his own case. Recently, the 1994 Race Relations Remedies Act did away with the 11,000-pound sterling ceiling that had been fixed for compensation awarded by the Tribunals in cases of racial discrimination and allowed interest to be included in the compensation.

78. As a general rule, however, most of the cases of racial discrimination that give rise to complaints are amicably settled between the parties through mediation by the Advisory Conciliation and Arbitration Service (ACAS). It is noteworthy that racial discrimination is difficult to prove in court, with the result that very few victims win their cases.

79. Local communities have come up with programmes to combat racial discrimination and promote equal opportunity. They cooperate on this with the Equal Opportunities Commission within the framework of the Racial Equality Council's network. These are non-governmental organizations (NGOs) financed by municipalities (for example, Tower Hamlets, Birmingham, Manchester and Liverpool) to help ethnic minorities deal with the problems that may result from racial discrimination, and to enhance their social integration by devising English courses or occupational training programmes. Local communities also organize cultural activities aimed at bringing the different communities together.

B. Measures to improve police behaviour towards minorities

80. In order to eliminate the mutual suspicion existing between the police and ethnic minorities, and also to put an end to the harassment and violence to which these minorities may be subjected, steps have been taken to improve the training of the police and diversify their ethnic makeup.

81. In England and Wales, as at 28 February 1995, in all the police forces combined there were 2,113 officers belonging to ethnic minorities, or slightly over 1.7 per cent of the total strength of 127,369; 226 of those officers belonging to ethnic minorities were recruited in 1994, accounting for 4.2 per cent of the 5,357 officers recruited that year.

82. It is up to the police forces themselves to increase recruitment of ethnic minorities, but the Home Office has a role of encouragement to play and supervises the initiatives taken in this regard. The Home Office has adopted the following measures:

(a) Her Majesty's police inspectors continue to monitor carefully the steps taken by the various bodies to increase recruitment of ethnic minorities;

(b) A personnel administrator under HM Chief Inspector of Constabulary coordinates police-community liaison efforts. His functions include advising the various bodies on issues to do with equal opportunity and the recruitment of officers from ethnic minorities;

(c) Funds have been earmarked for certain police bodies to support particular local recruitment initiatives;

(d) In November 1989, a circular on formulating and implementing equal opportunity policies was distributed to all the police forces of England and Wales. Two seminars were held for senior police officers dealing particularly with these issues, the first in April 1990 and the second in May 1991.

83. In April 1993, the Government introduced a package of performance indicators for the police service. One of these indicators requires police forces to gather information on the number of ethnic minority officers in the forces, compared to the size of the force and to the local ethnic minority population. Research has also been carried out into the success of various initiatives to recruit members of ethnic minorities.

84. One of the problems being faced by the police is the fact that some police officers from ethnic minorities give up their jobs after several years because they are the victims of racist harassment by their colleagues, or of discrimination in their careers. The Home Office and police services concerned are currently looking into this situation.

85. The police service has always been concerned to reduce the incidence of premature wastage and has developed systems of exit interviewing for leavers which is intended to identify and, if possible, rectify the causes of such wastage. One initiative that has been encouraged in order to improve the recruitment and retention of both ethnic minority and female officers has been the establishment of a support network for both ethnic minorities and female officers for both groups in many forces.

86. Forces use a variety of methods to attract ethnic minority applicants, e.g., advertising regularly on ethnic minority radio stations or in the ethnic minority press, police-community liaison groups to encourage members of ethnic minority groups to attend familiarization courses and open days that

demonstrate the work of the force, operation of a recruiting mentor scheme aimed at providing potential applicants from ethnic minority groups with a realistic insight into a career in the police service, etc.

87. As to the training of police officers, an evaluation report was published in 1987 and recommended the following: that a new formula for modular courses should be put in place for the entire duration of the two-year training course, during which full-time periods of study are alternated with practical, structured training under supervision; that training on community and race relations, and sensitization to the human problems, should be provided along with technical and legal training; and that evaluation should be broader-based, with knowledge of community and race relations and the social skills necessary for maintaining order given the same value as technical knowledge. Following the success of the pilot project, the first 31-week modular course began at the national level in July 1989.

88. In addition, for over 20 years the Home Office has sponsored a seminar on race, community relations and policing at the Holly Royde Conference Centre, University of Manchester. During this period, hundreds of police officers, usually of the ranks of inspector up to chief superintendent, have been given an opportunity to discuss and reflect on current issues in community and race relations, listen to a variety of high-calibre guest speakers, and develop action plans to deal with particular issues or problems in their forces. The seminar aims to develop officers' knowledge of current community and race relations issues including policy developments at the national and force levels, to examine how these developments affect operational policing and to "kick-start" action in forces to address specific community relations issues.

89. It should also be stated, however, that most police forces include community and race relations in their management and staff training courses. Furthermore, all police officers promoted to the rank of sergeant or inspector receive training when they are promoted or immediately beforehand.

90. Following the disturbances in some inner cities, the police have endeavoured to improve community and race relations, with Government support. Consultations have been held between the police and the community on questions of law and order in their districts. Committees of mixed membership, including municipal councillors, parliamentarians, community representatives, and senior and rank-and-file police officers have been created for this purpose.

C. Measures to combat racist violence

91. The Government takes the various manifestations of racist violence very seriously and considers racist attacks and harassment to be among the worst expressions of racial hatred and intolerance. Following the recommendations made by the House of Commons Home Affairs Sub-Committee on Race Relations and Immigration, which investigated racist attacks and harassment in 1986, a Racial Attacks Group was created. The Group released a report in 1989 in which it gave detailed guidelines on the conduct to be followed not only by the police, but also by the social housing services and associations. The report was distributed to all police forces, accompanied by a circular

stressing the importance of the role of the police, as well as to all local authorities, particularly those responsible for education, and to more than 6,000 interested persons and bodies throughout the country. The Group was reconstituted in 1995 and is to submit a report in 1996.

B. Other measures

92. Alongside the legislative measures, other measures are being taken to ensure equal opportunity, improve the living conditions of members of ethnic minorities and encourage their integration into British society.

93. There is, for example, an inner cities rehabilitation programme aimed primarily at ethnic minorities. The programme's objectives are as follows:

(a) To encourage an entrepreneurial spirit and the creation of new businesses, by helping existing businesses to develop;

(b) To improve employability through educational and training activities and other types of initiative;

(c) To improve living conditions by cleaning up abandoned zones, encouraging construction and improving the quality of housing;

(d) To restore security to inner cities and make them into places where it is enjoyable to live and work.

94. As optional measures, the Labour Ministry has drawn up a 10-point plan, launched in 1992, to give employers practical advice on how to provide equal opportunities to employees who are members of ethnic minorities. Copies of this plan were sent to 36,500 employers having at least 50 employees. The plan aims at drawing the attention of employers to the need to make equal opportunity a basic principle that is fully integrated into their management practices.

95. In order to facilitate access by ethnic minorities to high-level jobs, the Windsor Fellowship concentrates exclusively on management training for ethnic minority students with excellent university credentials. This training is supported by private enterprises that sponsor the students and can hire them after their training.

IV. CONCLUSION AND RECOMMENDATIONS

96. Following his mission, the Special Rapporteur notes that British universalism is increasingly tending to be reduced to the European Union, and the original civilizing and humanist mission of the United Kingdom is being eroded. In order to provide for a fresh look at that mission, the Special Rapporteur reiterates the recommendations contained in his general report (E/CN.4/1996/72), to which the British authorities showed themselves to be responsive at the recapitulatory meeting on 24 November 1995:

(a) Educate individuals to accept others;

(b) Improve the training of members of the police force and the incorporation in the police of citizens from different ethnic communities;

(c) Severely condemn police violence;

(d) Be more respectful of human dignity in the holding centres and in cases of the refoulement or expulsion of "illegal entrants" and asylum-seekers;

(e) Review the law on incitement to racial hatred, which is difficult to apply and seems to serve little purpose, and create a specific offence of racist harassment and violence and an offence of defamation with respect to an ethnic group or minority;

(f) Take action to ensure that the United Kingdom is not seen as a country that rejects people from the South, particularly black minorities, in favour of nationals of countries of the North.

Notes

1/ In particular, the Committee was concerned:

(a) "That, notwithstanding [the] establishment ... of mechanisms for external supervision of investigations of incidents in which the police or military are allegedly involved, especially incidents that result in death or wounding of persons, as the investigations are still carried out by the police, they lack sufficient credibility" (CCPR/C/79/Add.55, para. 13);

(b) "That members of some ethnic minorities including Africans and Afro-Caribbeans are often disproportionately subjected to stop-and-search practices that may raise doubts under the non-discriminatory provisions of the Covenant ..." (para. 14).

The Committee also emphasized that "the treatment of illegal immigrants, asylum-seekers and those ordered to be deported gives cause for concern", and observed "that the incarceration of persons ordered to be deported and particularly the length of their detention may not be necessary in every case and it is gravely concerned at instances of the use of excessive force in the execution of deportation orders" (para. 15).

Lastly, the Committee was concerned "at the levels of support offered for the protection of cultural and ethnic diversity within the United Kingdom". It noted further "with concern that many persons belonging to minorities frequently feel that acts of racial harassment are not pursued by the competent authorities with sufficient rigour and efficiency". It also believed "that much remains to be done to effect changes in public attitudes and to combat and overcome racism" (para. 18).

2/ This is clear from Home Office studies and from the following: Community Research Advisory Centre, Victim Support, Racial Harassment Project (London, 1991), pp. 21-22 and Institute of Race Relations, Policing against Black People (London, 1987), pp. 40-41. See also Racisme et xénophobie en Europe, ed. Michel Wievorka (Paris, La Découverte, 1994), p. 36.

3/ Statistics taken from Church and Race, the newsletter of a network of 20 religious institutions, vol. 10, No.2 (July-September 1995), p. 8.

4/ Ibid.

5/ Runnymede Trust, Multi-Ethnic Britain: Facts and Trends (London, September 1994), p. 32.

6/ See Department of the Environment, Racial Incidents in Council Housing: The Local Authority Response (London, Her Majesty's Stationery Office, 1994).

7/ National Health Service, Nursing in a Multi-Ethnic NHS.

8/ Commission for Racial Equality, "Sorry it's gone": Testing for Racial Discrimination in the Private Rented Housing Sector (September 1990).

9/ The former British colonies in Asia (India, Pakistan) and Africa (Gambia, Ghana, Kenya, Nigeria, Sierra Leone and Uganda), as opposed to the old Commonwealth, made up of the former dominions of Australia, Canada and New Zealand, which had predominantly white populations.

10/ Home Office, Control of immigration: Statistics, United Kingdom, First Half 1995, p. 12.

11/ United Campaigns for Justice/Joint Council for the Welfare of Immigrants, "Charter for Immigration Detainees".

12/ See report of Parliamentary Committee on racist violence.

ANNEX I

PROGRAMME OF THE VISIT OF THE SPECIAL RAPPORTEUR TO THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND (13-24 NOVEMBER 1995)

Saturday, 11 November (London)

Arrival at London

Sunday, 12 November (London)

Preparation for the visit

Monday, 13 November (London)

09.00 Meeting to discuss the programme arrangements with Mrs. Wendy Rocbuck, Programme Organizer, and Mr. Michel Bouvier, Interpreter, Overseas Visitors Section, Information Department, Foreign and Commonwealth Office

10.00 Meeting with Mr. Neville Naglu, Chief Executive, Board of Deputies of British Jews

11.30 Meeting with Dr. Sivanandan, Director, and Ms. Jenny Bourne, Researcher, Institute for Race Relations

13.00 Meeting with Professor Michael Banton, member of the Committee on the Elimination of Racial Discrimination

15.00 Meeting with Mr. Keith Kirby, Researcher, Homelessness Policy, Department of the Environment

18.00 Lecture, "Racial Equality and the courts: the Lord Chancellor's perspective", delivered by the Rt. Hon. the Lord MacKay of Clashfern, the Lord Chancellor

Tuesday, 14 November (London)

09.45 Meeting with Mr. Robin Richardson, Director, Runnymede Trust

11.30 Meeting with Mr. Ranjit Zondhi, Deputy Chairman, and Mr. Sukh Dev Sharma, Executive Director, Commission for Racial Equality

13.00 Meeting with Mr. Philippe Lavanchy, representative of the United Nations High Commissioner for Refugees in the United Kingdom and the Republic of Ireland

14.30 Meeting with Dr. Cyril Maprayil, Director, Tower Hamlets Racial Equality Council

16.30 Meeting with Mr. Justice Dyson, Chairman, Ethnic Minorities Advisory Committee of the Judicial Studies Board

Wednesday, 15 November (London)

09.45 Meeting with Mr. Robert Male and Mrs. Field, Department of Education and Employment, Pupil Welfare Division-Ethnic Diversity Issues

11.00 Meeting with Ms. Ann Gair, Racial Equality Section, Department for Education and Employment

12.30 Meeting with Mr. Douglas Henderson MP, Shadow Spokesperson on Community Race Relations

15.00 Meeting with Mrs. Alison Plouviez, Secretary, Employment Law Commission, and Mr. Jonathan Goldsmith, The Law Society

17.00 Meeting with Human Rights Network

Thursday, 16 November (London)

Private arrangements: the Special Rapporteur attended the celebration of the 50th anniversary of the United Nations Educational, Scientific and Cultural Organization in Paris

Friday, 17 November (London)

10.00 Meeting with Mr. Peter Dawson, Deputy Head, Asylum Policy, B3 Division, Home Office

11.30 Meeting with Mr. Bob Whalley, Head, Immigration Policy, B2 Division, Home Office

15.00 Meeting with Ms. Anne Bouvier, International Officer, Minority Rights Group

16.30 Meeting with Mr. Courtney Laws, Executive Director, Brixton Neighbourhood Community Association

Saturday, 18 November (London)

10.00 Meeting with Mr. Gerald Hartup, Executive Director, Hampden Trust

Sunday, 19 November (London)

Free

Monday, 20 November (London, Birmingham)

09.00 Meeting with Mr. Steve Wells, Head Police and Community Relations, Home Office

10.15 Meeting with Rev. David Haslam, Associate Secretary for Racial Justice, Churches Commission for Racial Justice, Ms. Sue Shuttle and Mr. Ozigi, First Apostolic Church of Cherubins and Seraphins

12.15 Departure from London for Birmingham by train

14.15 Meeting with Mr. Andrew Housley, Regional Manager, Commission for Racial Equality, Birmingham Office

15.45 Meeting with Mr. Kurshid Ahmed, Head, Race Relations Unit, Birmingham City Council

18.30 Departure from Birmingham to Manchester by train

Tuesday, 21 November (Manchester, Liverpool)

09.30 Meeting with Mr. Eric Seward, Regional Manager, Commission for Racial Equality, Manchester Office

11.00 Meeting with Ms. Nasrullah Moghul, Director, Manchester Council for Community Relations

13.07 Departure from Manchester for Liverpool

14.30 Meeting with Mr. Nigel Mellor, Community Development and Equality Officer, Liverpool City Council

16.00 Departure from Liverpool for London

Wednesday, 22 November (London)

10.00 Meeting with Ms. Marian Fitzgerald, Researcher on Ethnic Minorities, Home Office

10.45 Meeting with Mr. Mike Gilliopie, Mr. Bill Brandon and Mr. Trevor Hall, Community and Race Relations Division, Home Office

11.45 Meeting with Mr. Timothy Kirkhope, MP, Parliamentary Under-Secretary of State for Home Affairs

13.00 Meeting with Mr. Kamaljeet Jandu, Equality Officer, Trades Union Congress

15.00 Meeting with Mrs. Frances Keenan, Senior Equal Opportunity Advisor, Confederation of British Industry

17.00 Meeting with Ms. Annie Stewart, Editor, The Voice (newspaper)

Thursday, 23 November (London)

10.00 Meeting with Ms. Shirley Philogene, Health Promotion Officer, Ethnic Minorities Health, Department of Health

11.15 Meeting with Mr. Philip Astley, Head, Human Rights Policy Department, Foreign and Commonwealth Office

12.00 Meeting with Mr. Nick Hardwick, Director, Refugee Council

13.30 Meeting with Mr. John Clark, Chief Executive, Windsor Fellowship

15.00 Meetings at Amnesty International International Secretariat with Ms. Karima Bennoune, Legal Adviser, Mr. Ahmed C. Motala, Legal Adviser, Ms. Anne Burley, Head of Europe Region, Research Department, Mr. David Baham, Europe Region Officer, Ms. Alison Sutton and Mr. Peter Drury, Americas Regional Programme Officers, Ms. Leanne MacMillan, Refugee Programme Coordinator

17.30 Meeting with Ms. Anne Viney, Assistant Director, Victim Support

Friday, 24 November (Oxford)

09.00 Visit to Campsfield Holding Centre

12.00 End of mission